

Docket as of July 31, 2003 8:03 pm

Web PACER (v2.4)

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**U.S. District Court**

**U. S. District Court of Delaware (Wilmington)**

**CIVIL DOCKET FOR CASE #: 01-CV-504**

**ArthroCare Corp. v. Smith & Nephew Inc., et al**

Filed: 07/25/01  
Assigned to: Judge Sue L. Robinson  
Jury demand: Both  
Demand: \$0,000  
Nature of Suit: 830  
Lead Docket: None  
Jurisdiction: Federal Question  
Dkt # in USDC/N.D.CA : is C98-00609  
Cause: 35:271 Patent Infringement

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ARTHROCARE CORPORATION  
    plaintiff

Jack B. Blumenfeld  
[COR LD NTC]  
Morris, Nichols, Arsht &  
Tunnell  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200

v.

SMITH & NEPHEW INC.  
    defendant

William J. Marsden, Jr.  
[COR LD NTC]  
Fish & Richardson, P.C.  
919 N. Market Street, Suite  
1100  
P.O. Box 1114  
Wilmington, DE 19899-1114  
(302) 652-5070

ETHICON, INC  
    respondent

Steven J. Balick  
[COR LD NTC]  
Ashby & Geddes  
222 Delaware Avenue  
P.O. Box 1150  
Wilmington, DE 19899  
(302) 654-1888

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SMITH & NEPHEW INC.  
counter-claimant

William J. Marsden, Jr.  
[COR LD NTC]  
Fish & Richardson, P.C.  
919 N. Market Street, Suite

1100  
P.O. Box 1114  
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## DOCKET PROCEEDINGS

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DATE	#	DOCKET	ENTRY
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7/25/01 1 COMPLAINT filed; Mag consent notice to pltf. FILING FEE \$ 150.00 RECEIPT # 130905 (rc) [Entry date 07/26/01]

7/25/01 -- DEMAND for jury trial by ArthroCare Corp. (rc) [Entry date 07/26/01]

7/25/01 -- SUMMONS(ES) issued for Smith & Nephew Inc. (rc) [Entry date 07/26/01]

7/25/01 2 Report to Commissioner of Patents and Trademarks. Exit original. Re: 5,697,536; 5,697,882, 6,224,592 B1 (rc) [Entry date 07/26/01]

7/25/01 3 RETURN OF SERVICE executed as to Smith & Nephew Inc. 7/25/01 Answer due on 8/14/01 for Smith & Nephew Inc. (rc) [Entry date 07/26/01]

8/1/01 4 CASE assigned to Judge Sue L. Robinson . Notice to all parties. (rb)

8/15/01 5 STIPULATION with proposed order re extending time for deft's to resp. to complaint (lj)

8/17/01 -- So Ordered granting [5-1] stipulation reset Answer deadline to 9/13/01 for Smith & Nephew Inc. ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd) [Entry date 08/20/01]

9/5/01 6 MOTION by ArthroCare Corp. with Proposed Order for Matthew D. Powers and Jared Bobrow of Weil to Appear Pro Hac Vice (rd)

9/7/01 -- So Ordered granting [6-1] motion for Matthew D. Powers and Jared Bobrow of Weil to Appear Pro Hac Vice ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

9/10/01 7 MOTION by ArthroCare Corp. to enjoin Second-filed Duplicative litigation Answer Brief due 9/24/01 re: [7-1] motion (rd) [Entry date 09/12/01]

9/10/01 8 Opening Brief Filed by ArthroCare Corp. [7-1] motion to enjoin Second-filed Duplicative litigation (rd) [Entry date 09/12/01]

9/12/01 9 Letter to Clerk from K. J. Loudon enclosing Exhibit F to Pltf.'s opening brief in support of motion to enjoin filed on 9/10/01. (rd) [Entry date 09/14/01]

9/13/01 10 ANSWER to complaint and COUNTERCLAIM by Smith & Nephew Inc. (Attorney ); jury demand against ArthroCare Corp. (rd) [Entry date 09/14/01]

9/13/01 11 MOTION by Smith & Nephew Inc. to Change Venue Pursuant to 28 U.S.C. Section 1404(a) Answer Brief due 9/27/01 re: [11-1] motion (rd) [Entry date 09/14/01]

9/13/01 12 Opening Brief Filed by Smith & Nephew Inc. [11-1] motion to Change Venue Pursuant to 28 U.S.C. Section 1404(a) (rd) [Entry date 09/14/01]

9/13/01 13 Declaration of Keith A. Walter, Jr. in support of DI 11. (rd)  
[Entry date 09/14/01]

9/13/01 14 Declaration of Joel Petrow, Esq. in support of DI 11. (rd)  
[Entry date 09/14/01]

9/13/01 15 Notice of Deficiency from the court to defendant Smith &  
Nephew Inc. re no original signature on DI 14. (rd)  
[Entry date 09/14/01]

9/17/01 16 CERTIFICATE OF SERVICE by ArthroCare Corp. re (1) 1st set  
of req. for prod. of doc. and things and (2) 1st set of  
interrog. (rd) [Entry date 09/20/01]

9/20/01 17 Declaration of Joel Petrow, Esq. in support of Deft.'s  
Motion to Transfer Venue. (rd) [Entry date 09/21/01]

9/24/01 19 Answer Brief Filed by Smith & Nephew Inc. [7-1] motion to  
enjoin Second-filed Duplicative litigation - Reply Brief  
due 10/1/01 (rd) [Entry date 09/26/01]

9/25/01 18 ORDER, set Tele-Scheduling Conference for 8:30 10/30/01  
( signed by Judge Sue L. Robinson ) copies to: cnsl. (rd)  
[Entry date 09/26/01]

9/26/01 20 ANSWER by ArthroCare Corp. to [10-2] counter claim (rd)  
[Entry date 09/28/01]

9/27/01 21 STIPULATION to extend time for pltf. to answer deft.'s  
motion to transfer and to file reply brief to its motion to  
enjoin; with proposed order (rd) [Entry date 09/28/01]

9/28/01 -- So Ordered granting [21-1] stipulation reset Answer  
Brief Deadline to 10/3/01 re: [11-1] motion to Change  
Venue Pursuant to 28 U.S.C. Section 1404(a), and reset  
Reply Brief Deadline to 10/3/01 re: [7-1] motion to enjoin  
Second-filed Duplicative litigation ( signed by Judge Sue  
L. Robinson ) Notice to all parties. (rd)

10/1/01 22 Letter to Judge Robinson from W. Marsden, Jr. advising  
Court that deft. is withdrawing its motion to transfer, (DI  
#11), based on recent developments in parellel litigation  
in California. (rd) [Entry date 10/15/01]

10/1/01 -- WITHDRAWAL of [11-1] motion to Change Venue Pursuant to 28  
U.S.C. Section 1404(a) per DI 22. (rd) [Entry date 10/15/01]

10/12/01 23 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1) 1st  
set of interrog. (nos. 1-14) and (2) 1st req. for prod. of  
doc. and things (rd) [Entry date 10/16/01]

10/15/01 24 STIPULATION re extension of time for filing resp. to  
discovery requestes; with proposed order (rd)  
[Entry date 10/16/01]

10/17/01 -- So Ordered granting [24-1] stipulation re extension of  
time for responses to discovery requests. ( signed by Judge  
Sue L. Robinson ) Notice to all parties. (rd)

10/26/01 25 CERTIFICATE OF SERVICE by ArthroCare Corp. re Initial

## Disclosures (rd)

10/26/01 26 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Initial Disclosures (rd)

10/29/01 27 Letter to Judge Robinson from J. Blumenfeld enclosing proposed sched. order for discussion at telecnf. on 10/30/01. (rd)

10/30/01 -- Scheduling conference held via telecnf.; Judge Robinson presiding; no crt. rprr. present. (rd)

10/30/01 28 MOTION by Smith & Nephew Inc. with Proposed Order for Kurtis D. MacFerrin to Appear Pro Hac Vice (rd)

10/31/01 -- So Ordered granting [28-1] motion for Kurtis D. MacFerrin to Appear Pro Hac Vice ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

11/9/01 29 Letter to Judge Robinson from J. Blumenfeld enclosing proposed scheduling order (rd) [Entry date 11/13/01]

11/9/01 30 Proposed Scheduling Order filed by ArthroCare Corp. (rd) [Entry date 11/13/01]

11/14/01 -- So Ordered [30-1] proposed order set Scheduling Order Deadlines: joining of parties, amended pleadings on 3/8/02 Discovery deadline on 11/22/02 Deadline for filing dispositive motions by 12/20/02, answering briefs due 1/31/03, reply briefs due 2/14/03; Pretrial conference by 4:30 4/15/03; Jury Trial Date Deadline 9:30 4/28/03, set In-person Discovery Conference for 4:30 3/5/02, and set Motion Filing deadline to 4/1/03 for motions in limine; responses due 4/8/03, set Notice of Compliance deadline to 12/20/02 for filing of Joint Claim Construction Statement; answering briefs due 1/31/03 matter referred to Mag. Judge Thyne for exploring settlement possibility; see order for complete details. ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd) [Entry date 11/16/01]

11/15/01 32 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re resp. to 1st set of interrog. (nos. 1-7) and resp. to 1st set of req. for prod. of doc. (nos. 1-54). (rd) [Entry date 11/21/01]

11/21/01 31 MOTION by Smith & Nephew Inc. with Proposed Order for Mark J. Hebert to Appear Pro Hac Vice (rd)

11/26/01 -- So Ordered granting [31-1] motion for Mark J. Hebert to Appear Pro Hac Vice ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

11/26/01 33 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1) 2nd req. for prod. of doc. an things (nos. 94-94); and (2) 2nd set of interrog. (nos. 15-16). (rd) [Entry date 11/27/01]

11/30/01 34 MOTION by ArthroCare Corp. with Proposed Order for Perry Clark to Appear Pro Hac Vice (rd)

12/3/01 -- So Ordered granting [34-1] motion for Perry Clark to

Appear Pro Hac Vice ( signed by Judge Sue L. Robinson )  
Notice to all parties. (rd)

12/20/01 35 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Suppl.  
resp. to pltf.'s interrog. (nos. 4 & 5). (rd)

12/27/01 36 CERTIFICATE OF SERVICE by ArthroCare Corp. re (1) resp. and  
obj. to deft.'s 2nd set of req. for prod. of doc. and  
things (nos. 94-95); and (2) obj. and resp. to deft.'s 2nd  
set of interrog. (nos. 15-16). (rd) [Entry date 12/28/01]

2/19/02 -- Deadline updated; set Telephone Conference for 3:00  
2/26/02 (rd)

2/21/02 -- Deadline updated; reset Telephone Conference for 10:00  
2/28/02 re Protective Order (rd)

2/26/02 37 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1) 3rd  
set of interrog. (no. 17 and 18); and (2) 3rd req. for  
prod. of doc. and things (nos. 96-97). (rd)

2/27/02 38 Letter to Judge Robinson from K. Walter, Jr. enclosing  
proposed protective order for telecnf. (rd)  
[Entry date 02/28/02]

2/27/02 39 Proposed PROTECTIVE Order filed by Smith & Nephew Inc. (rd)  
[Entry date 02/28/02]

2/28/02 -- Tele-conference held re protective order; Judge Robinson  
presiding; crt. rprr. B. Gaffigan present. (rd)

2/28/02 42 Steno Notes for 2/28/02 telecnf.; Judge Robinson presiding;  
crt. rprr. B. Gaffigan present. (rd) [Entry date 03/01/02]

3/1/02 40 STIPULATED PROTECTIVE ORDER; with proposed order (rd)

3/1/02 41 TRANSCRIPT filed [0-0] telephone conference for dates of  
2/28/02; Judge Robinson presiding; crt. rprr. B. Gaffigan  
present. (rd)

3/4/02 -- So Ordered granting [40-1] stipulated Protective Order ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

3/5/02 43 Letter to Judge Robinson from J. Blumenfeld listing items  
to be raised at discovery status conf. (rd)

3/5/02 44 Letter to Judge Robinson from W. Marsden, Jr. listing  
proposed agenda for discovery issues to be addressed at  
disc. status conf. (rd)

3/5/02 -- Discovery hearing held in person; Judge Robinson presiding;  
crt. rprr. K. Maurer present. (rd) [Entry date 03/06/02]

3/8/02 45 MOTION by Smith & Nephew Inc. with Proposed Order for  
Leave to File Amended Answer & Counterclaim Answer Brief  
due 3/22/02 re: [45-1] motion (rd) [Entry date 03/11/02]

3/8/02 46 Opening Brief Filed by Smith & Nephew Inc. [45-1] motion  
for Leave to File Amended Answer & Counterclaim (rd)  
[Entry date 03/11/02]

3/8/02 47 Letter to Judge Robinson from W. Marsden responding to Court's invitation at the 3/5/02 disc. conf. to provide authority supporting Smith & Nephew's patent misuse defense and discovery sought to develop additional facts to support that defense. (rd) [Entry date 03/11/02]

3/8/02 48 Letter to Judge Robinson from J. Blumenfeld re Smith & Nephew's interrog. nos. 15 and 16, which seek pltf.'s contentions re correctness of Judge Orrick's prelim. inj. decision. (rd) [Entry date 03/11/02]

3/11/02 49 TRANSCRIPT filed [0-0] discovery hearing for dates of 3/5/02; Judge Robinson presiding; crt. rprr. K. Maurer present. (rd)

3/11/02 50 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re 4th set of interrog. to pltf. (nos. 19-23). (rd)

3/13/02 51 Steno Notes for 3/5/02 re Discovery Conference; Judge Robinson presiding; crt. rprr. K. Maurer present. (rd)

3/13/02 52 Letter to Judge Robinson from J. Blumenfeld responding to deft.'s letter of 3/8/02 re party asserting a patent after denial of its prel. injun. motion. (rd)

3/21/02 53 ORDER denying [47-1] denying [48-1] requests that the court order pltf. to answer interrog. numbered 15 and 16 for reasons stated in this order ( signed by Judge Sue L. Robinson ) copies to: cnsl. (rd)

3/22/02 54 STIPULATION to extend time for pltf. to file answering brief and for deft. to file reply brief to DI#45; with proposed order (rd) [Entry date 03/26/02]

3/25/02 55 Answer Brief Filed by ArthroCare Corp. [45-1] motion for Leave to File Amended Answer & Counterclaim - Reply Brief due 4/1/02 (rd) [Entry date 03/26/02]

3/26/02 56 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1) suppl. resp. to 1st set of interrog. (nos. 2 & 6); and (2) 1st suppl. Rule 26(a)(1) Initial Disclosure. (rd)

3/27/02 -- So Ordered granting [54-1] stipulation reset Answer Brief Deadline to 3/25/02 re: [45-1] motion for Leave to File Amended Answer & Counterclaim, reset Reply Brief Deadline to 4/2/02 re: [45-1] motion for Leave to File Amended Answer & Counterclaim ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

3/27/02 57 NOTICE by ArthroCare Corp. to take deposition of Smith & Nephew, Inc. on 4/11/02 (rd) [Entry date 04/03/02]

3/28/02 58 CERTIFICATE OF SERVICE by ArthroCare Corp. re (1) resp. and obj. to 3rd set of req. for prod. of doc. and things (nos. 96-97); and Obj. and resp. to 3rd set of interrog. (nos. 17-18). (rd) [Entry date 04/03/02]

3/28/02 -- Return of discovery filed by Pltf. with copy of Local Rule

5.4; only a ntc. of discovery should be filed with the court in this action. (rd) [Entry date 04/03/02]

3/29/02 59 STIPULATION to extend time for deft. to file reply brief to motion to amd. (DI#45); with proposed order (rd) [Entry date 04/03/02]

4/1/02 60 SEALED Letter to Judge Robinson from K. Walter, Jr. (rd) [Entry date 04/03/02]

4/3/02 -- So Ordered granting [59-1] stipulation rest Reply Brief Deadline to 4/9/02 re: [45-1] motion for Leave to File Amended Answer & Counterclaim ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd) [Entry date 04/04/02]

4/3/02 61 SEALED Letter to Judge Robinson from J. Blumenfeld. (rd) [Entry date 04/05/02]

4/4/02 62 MOTION by Smith & Nephew Inc. with Proposed Order for Reargument of [53-1] order Answer Brief due 4/18/02 re: [62-1] motion (rd) [Entry date 04/05/02]

4/5/02 63 Declaration of Keith A. Walter in support of DI#62. (rd)

4/9/02 -- Deadline updated; set Telephone Conference for 4:30 4/10/02 (rd)

4/9/02 64 CERTIFICATE OF SERVICE by ArthroCare Corp. re Obj. and Resp. to 4th set of interrog. (nos. 19-23). (rd)

4/9/02 65 Reply Brief Filed by Smith & Nephew Inc. [45-1] motion for Leave to File Amended Answer & Counterclaim (rd) [Entry date 04/10/02]

4/9/02 66 SEALED Letter to Judge Robinson from W. Marsden, Jr. (rd) [Entry date 04/10/02]

4/10/02 -- Tele-conference held; Judge Robinson presiding; crt. rprr. B. Gaffigan present; re DI#60 and 61. (rd) [Entry date 04/11/02]

4/11/02 67 Steno Notes for 4/10/02; Judge Robinson presiding; crt. rprr. B. Gaffigan. (rd)

4/11/02 68 TRANSCRIPT filed [0-0] telephone conference for dates of 4/10/02; Judge Robinson presiding; crt. rprr. B. Gaffigan present. (rd) [Entry date 04/15/02]

4/16/02 69 STIPULATION to extend time for pltf. to respond to DI#62; with proposed order (rd) [Entry date 04/17/02]

4/16/02 70 Objections by Smith & Nephew Inc. to [57-1] deposition notice (rd) [Entry date 04/17/02]

4/18/02 -- So Ordered granting [69-1] stipulation reset Answer Brief Deadline to 4/26/02 re: [62-1] motion for Reargument of [53-1] order ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

4/24/02 71 NOTICE by Smith & Nephew Inc. to take deposition of John

R. Tighe on 5/13/02 (rd) [Entry date 04/25/02]

4/24/02 72 NOTICE by Smith & Nephew Inc. to take deposition of Christine Hanni on 5/14/02 (rd) [Entry date 04/25/02]

4/24/02 73 NOTICE by Smith & Nephew Inc. to take deposition of John Raffle on 5/8/02 (rd) [Entry date 04/25/02]

4/24/02 74 NOTICE by Smith & Nephew Inc. to take deposition of Hira V. Thapliyal on 5/6/02 (rd) [Entry date 04/25/02]

4/24/02 75 NOTICE by Smith & Nephew Inc. to take deposition of Michael A. Baker on 5/10/02 (rd) [Entry date 04/25/02]

4/26/02 76 Answer Brief Filed by ArthroCare Corp. [62-1] motion for Reargument of [53-1] order - Reply Brief due 5/3/02 (rd) [Entry date 04/29/02]

5/1/02 77 NOTICE by Smith & Nephew Inc. to take deposition of Jack C. Cordes on 5/20/02 (rd) [Entry date 05/02/02]

5/1/02 78 NOTICE by Smith & Nephew Inc. to take deposition of Philip E. Eggers on 5/21/02 (rd) [Entry date 05/02/02]

5/1/02 79 NOTICE by Smith & Nephew Inc. to take deposition of James M. Heslin on 5/16/02 (rd) [Entry date 05/02/02]

5/1/02 80 NOTICE by Smith & Nephew Inc. to take deposition of Stryker Corp. on 5/21/02 (rd) [Entry date 05/02/02]

5/1/02 81 NOTICE by Smith & Nephew Inc. to take deposition of Ethicon, Inc. on 5/20/02 (rd) [Entry date 05/02/02]

5/1/02 82 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Subpoena to Custodian of Records, Townsend & Townsend. (rd) [Entry date 05/02/02]

5/1/02 83 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Subpoena for Custodian of Records, Eggers & Associates, Inc. (rd) [Entry date 05/02/02]

5/1/02 84 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Subpoena to Custodian of Records, Cordes Engineering, Inc. (rd) [Entry date 05/02/02]

5/2/02 85 Letter to Judge Robinson from K. Walter, Jr. attaching copy of letter requesting oral argument that was to be filed with court on 5/1/02 but was never filed due to inadvertent vendor error; Oral Argument is req. on deft.'s motion for reargument (DI#62). (rd) [Entry date 05/07/02]

5/10/02 -- Deadline updated; set Telephone Conference for 2:00 5/16/02 re Discovery issues. (rd)

5/13/02 86 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Subpoena for Stryker Corp. (rd) [Entry date 05/14/02]

5/13/02 87 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re Subpoena for Ethicon, Inc. (rd) [Entry date 05/14/02]

5/13/02 88 Amended NOTICE by Smith & Nephew Inc. to take deposition of Stryker Corp. on 5/21/02 (rd) [Entry date 05/14/02]

5/13/02 89 Amended NOTICE by Smith & Nephew Inc. to take deposition of Ethicon, Inc. on 5/20/02 (rd) [Entry date 05/14/02]

5/16/02 90 Letter to Judge Robinson from W. Marsden, Jr. re today's telecnf. with the court; and enclosing proposed amended scheduling order. (rd)

5/16/02 91 NOTICE by Smith & Nephew Inc. to take deposition of Hira V. Thapliyal on 6/12/02 (rd) [Entry date 05/17/02]

5/16/02 -- Tele-conference held re Discovery issues; Judge Robinson presiding; crt. rprr. B. Gaffigan present. (rd) [Entry date 05/17/02]

5/17/02 -- Deadline updated; set Discovery Hearing for 4:30 8/19/02 set during discovery telecnf. on 5/16/02 (rd)

5/17/02 92 TRANSCRIPT filed [0-0] telephone conference for dates of 5/16/02; Judge Robinson presiding; crt. rprr. B. Gaffigan present. (rd)

5/20/02 93 Steno Notes for 5/16/02; Judge Robinson presiding; crt. rprr. B. Gaffigan present. (rd) [Entry date 05/21/02]

5/29/02 94 CERTIFICATE OF SERVICE by ArthroCare Corp. re (1) 2nd set of interrog. and (2) 2nd set of req. for prod. of doc. and things. (rd) [Entry date 05/30/02]

5/29/02 95 SEALED Letter to Judge Robinson from J. Blumenfeld dated 5/29/02. (rd) [Entry date 05/30/02]

5/30/02 96 Letter to Judge Robinson from W. Marsden, Jr., advising court of status of case and requesting that the stay in the dicoverly related to the Control RF product continue while parties continue their nego. (rd) [Entry date 05/31/02]

6/7/02 -- Deadline updated; set Telephone Conference for 2:00 6/11/02 (rd)

6/11/02 97 Letter to Judge Robinson from J. Blumenfeld re agenda for 6/11/02 telecnf. (rd)

6/11/02 -- Tele-conference held; Judge Robinson presiding; crt. rprr. V. Gunning present. (rd) [Entry date 06/13/02]

6/11/02 98 Letter to Judge Robinson from W. Marsden, Jr. responding to Mr. Blumenfeld's letter of 5/29/02. (rd) [Entry date 06/13/02]

6/12/02 99 Letter to Judge Robinson from J. Blumenfeld enclosing a revised proposed scheduling order. (rd) [Entry date 06/13/02]

6/12/02 100 Proposed Revised Scheduling Order filed by ArthroCare Corp. (rd) [Entry date 06/13/02]

6/13/02 -- Deadline updated; set Discovery Hearing for 3:00 7/23/02

(rd)

6/17/02 -- So Ordered [100-1] proposed order reset Scheduling Order Deadlines: Discovery deadline on 12/16/02 Deadline for filing dispositive motions by 1/3/03; answers due 1/17/03; and reply briefs due 1/24/03, and reset Notice of Compliance deadline to 1/3/03 for parties to file opening claim construction briefs and Joint Claim Construction Statement; on 1/17/03 parties shall file answering claim const. briefs ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

6/28/02 101 TRANSCRIPT filed [0-0] telephone conference for dates of 06/11/02; Judge Robinson presiding; Crt Rptr V. Gunning present. (rd) [Entry date 07/02/02]

7/1/02 102 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1)Resp. to modified 1st set of interrog (Nos.1-7) and (2) Resp. to modified 1st set of req for prod of docs (nos. 1-54) (rd) [Entry date 07/02/02]

7/2/02 103 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1) Resp to 2nd set of interrogs (Nos. 8-13) and (2) Resp to 2nd set of req. for prod. of docs (Nos. 55-74) (rd)

7/23/02 104 Letter to Judge Robinson from W. Marsden, Jr. re topics for status conference on 7/23/02 (rd)

7/23/02 105 Letter to Judge Robinson from J. Blumenfeld re matters for the agenda for the conference on 7/23/02 (rd)

7/23/02 -- Discovery hearing held Judge Robinson presiding; Crt rptr B. Gaffigan present (rd) [Entry date 07/24/02]

7/23/02 106 Steno Notes for 7/23/02; Discovery hearing; Crt Rptr B. Gaffigan (rd) [Entry date 07/24/02]

7/24/02 107 MOTION by Smith & Nephew Inc. with Proposed Order to Bifurcate Willfulness and Damages, and to Stay Discovery Answer Brief due 8/7/02 re: [107-1] motion, Answer Brief due 8/7/02 re: [107-2] motion (rd)

7/24/02 108 Opening Brief Filed by Smith & Nephew Inc. [107-1] motion to Bifurcate Willfulness and Damages, [107-2] motion to Stay Discovery (rd)

7/24/02 109 Declaration of William J. Marsden, Jr. in support of DI # 107 (rd)

7/25/02 -- Deadline updated; set Telephone Conference for 4:00 8/27/02 (ft)

7/25/02 110 SEALED TRANSCRIPT filed [0-0] discovery hearing for dates of 7/23/02; Judge Robinson Presiding; Crt Rptr: B. Gaffigan (ft) [Entry date 07/26/02] [Edit date 07/26/02]

7/31/02 111 SEALED Second MOTION by Smith & Nephew Inc. for Leave to File amended answer and counterclm Answer Brief due 8/14/02 re: [111-1] motion (ft) [Edit date 07/31/02]

7/31/02 112 SEALED Opening Brief Filed by Smith & Nephew Inc. [111-1] motion for Leave to File amended answer and counterclm (ft)

7/31/02 113 SEALED Declaration of Keith A. Walter, Jr. in support of Smith & Nephew's second motion for leave to amend answer and counterclm. (ft)

8/2/02 114 STIPULATION to extend time for pltf to serve and file its answering brief in opposition to dft's motion to bifurcate willfulness and damages and stay discovery (DI # 108); with proposed order (ft) [Entry date 08/05/02]

8/2/02 115 Letter to Clerk from W. Marsden, Jr. enclosing a corrected cover page and page 2 to Dft Smith & Nephew's Opening Brief in Support of its Motion to Bifurcate Willfulness and Damages (DI # 108); requests the pages to be substituted; also enclosed is a corrected form of the Motion filed on 7/23/02 (DI # 107) (ft) [Entry date 08/05/02] [Edit date 08/05/02]

8/6/02 -- So Ordered granting [114-1] stipulation reset Answer Brief Deadline to 8/9/02 re: [107-1] motion to Bifurcate Willfulness and Damages, 8/9/02 re: [107-2] motion to Stay Discovery ( signed by Judge Sue L. Robinson ) Notice to all parties. (ft)

8/7/02 116 NOTICE by ArthroCare Corp. to take deposition of Joan McCreary on 8/21/02 (rd) [Entry date 08/09/02]

8/7/02 117 NOTICE by ArthroCare Corp. to take deposition of Karen Drucker on 8/22/02 (rd) [Entry date 08/09/02]

8/7/02 118 3rd NOTICE by ArthroCare Corp. to take deposition of deft. Smith & Nephew on 8/20/02 (rd) [Entry date 08/09/02]

8/7/02 119 2nd NOTICE by ArthroCare Corp. to take deposition of deft. Smith & Nephew on 8/19/02 (rd) [Entry date 08/09/02]

8/9/02 120 SEALED Answer Brief Filed by ArthroCare Corp. [107-1] motion to Bifurcate Willfulness and Damages - Reply Brief due 8/16/02, [107-2] motion to Stay Discovery - Reply Brief due 8/16/02 (rd) [Entry date 08/12/02]

8/12/02 121 STIPULATION to extend time for pltf. to file answering brief to DI#111; with proposed order (rd) [Entry date 08/13/02]

8/13/02 -- Deadline updated; set Telephone Conference for 4:30 8/15/02 (rd)

8/14/02 122 Letter to Clerk from J. Blumenfeld enclosing new page 17 to be substituted into DI#120. (rd) [Entry date 08/15/02]

8/15/02 -- So Ordered granting [121-1] stipulation reset Answer Brief Deadline to 8/16/02 re: [111-1] motion for Leave to File amended answer and counterclm ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

8/15/02 123 STIPULATION to extend time for deft. to file reply brief to DI#107; with proposed order (rd)

8/15/02 124 Letter to Judge Robinson from W. Marsden, Jr. identifying issues deft. shall raise at telecnf. on 8/15/02 (rd)

8/15/02 125 Letter to Judge Robinson from J. Blumenfeld re subjects for today's telecnf. (rd)

8/15/02 -- Tele-conference held re discovery; Judge Robinson presiding; crt. rprr. B. Gaffigan. (rd) [Entry date 08/19/02]

8/16/02 -- So Ordered granting [123-1] stipulation reset Reply Brief Deadline to 8/21/02 re: [107-1] motion to Bifurcate Willfulness and Damages, 8/21/02 re: [107-2] motion to Stay Discovery ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

8/16/02 126 Steno Notes for 8/15/02 telecnf.; Judge Robinson presiding; crt. rprr. B. Gaffigan. (rd) [Entry date 08/19/02]

8/16/02 127 TRANSCRIPT filed [0-0] telephone conference for dates of 8/15/02; Judge Robinson presiding; crt. rprr. B. Gaffigan. (rd) [Entry date 08/19/02]

8/16/02 128 SEALED Answer Brief Filed by ArthroCare Corp. [111-1] motion for Leave to File amended answer and counterclm - Reply Brief due 8/23/02 (rd) [Entry date 08/19/02]

8/19/02 129 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re (1) obj. to ntc. of depo. of Karen Drucker; (2) obj. to ntc. of depo. of Joan McCreary; (3) obj. to 2nd ntc. of depo.; and (4) obj. to 3rd ntc. of depo. (rd)

8/21/02 130 SEALED Reply Brief Filed by Smith & Nephew Inc. [107-1] motion to Bifurcate Willfulness and Damages, [107-2] motion to Stay Discovery (ft) [Entry date 08/22/02]

8/21/02 131 SEALED Declaration of Keith A. Walter, Jr. in support of Smith & Nephew's Reply Brief in support of its Motion to Bifurcate Willfulness and Damages (ft) [Entry date 08/22/02] [Edit date 08/22/02]

8/22/02 132 NOTICE by ArthroCare Corp. to take deposition of Todd Plevinsky on 9/17/02; Mike Long on 9/18/02; Dianne DeLucia on 9/25/02; Ron Sparks on 9/26/02; David Balford on 9/27/02; Kara Weldon on 9/25/02; Kate Knudsen on 9/26/02; and Tom Ross on 9/27/02 (ft) [Entry date 08/23/02]

8/22/02 133 Letter to Deputy Clerk Tassone from K. Walter, Jr. re Smith & Nephew's Correct Reply Brief on its Motion to Bifurcate, clarifying the title to have "and Stay Discovery"; various corrections in the brief; requesting substitution of the brief for the one originally filed (D.I. # 130) (ft) [Entry date 08/23/02] [Edit date 08/23/02]

8/23/02 -- Deadline updated; set Telephone Conference for 4:00 8/27/02 re status (rd)

8/23/02 134 STIPULATION to extend time for the dft. to file its Reply

Brief in support of its Second Motion for Leave to Amend Answer and Counterclaim; with proposed order (ft) [Entry date 08/26/02]

8/26/02 135 SEALED Reply Brief Filed by Smith & Nephew Inc. [111-1] Second motion for Leave to File amended answer and counterclm (ft) [Entry date 08/27/02]

8/26/02 136 Letter to Judge Robinson from K. Walter, Jr. requesting oral argument on Smith & Nephew's Motion to Bifurcate Willfulness and Damages, and Stay Discovery (D.I. 107) (ft) [Entry date 08/27/02]

8/26/02 137 Letter to Judge Robinson from M. Noreika enclosing a copy of an order entered by Judge Sleet in C.A. No. 01-051 GMS; pertinent to D.I. # 45, D.I. # 55, and D.I. # 65 in C.A. No. 01-504-SLR (ft) [Entry date 08/27/02]

8/27/02 -- So Ordered granting [134-1] stipulation reset Reply Brief Deadline to 8/26/02 re: [111-1] motion for Leave to File amended answer and counterclm ( signed by Judge Sue L. Robinson ) Notice to all parties. (ft)

8/27/02 138 Letter to Judge Robinson from K. Walter re agenda for telephone conference at 4:00pm 8/27/02 (ft)

8/27/02 139 Letter to Judge Robinson from K. Walter responding to M. Noreika's letter of 8/26/02 and submitting supplemental authority to the court pursuant to DE Local Rule 7.1.2(c) (ft)

8/27/02 140 Letter to Judge Robinson from M. Noreika re issues that need to be addressed at the teleconference at 4:00 pm 8/27/02; Arthrocare wishes to discuss deposition scheduling and the status of the accused Dyonics Control RF Product (ft)

8/27/02 -- Tele-conference held; Judge Robinson presiding; Crt Rptr K. Maurer; re case status (ft) [Entry date 08/28/02]

8/29/02 141 MEMORANDUM ORDER denying [62-1] motion for Reargument of [53-1] order, denying [45-1] motion for Leave to File Amended Answer & Counterclaim ( signed by Judge Sue L. Robinson ) copies to: cnsl. (rd)

8/29/02 142 Letter to Judge Robinson from K. Walter, Jr. requesting oral argument on Smith & Nephew's Second Motion for Leave to Amend Answer and Counterclaim (DI # 111) (ft) [Entry date 09/03/02]

8/29/02 145 Steno Notes for 8/27/02; notes of telecnf.; Judge Robinson presiding; Crt Rptr K. Maurer (ft) [Entry date 09/06/02]

9/3/02 143 TRANSCRIPT filed [0-0] telephone conference for dates of 8/27/02; Judge Robinson presiding; Crt Rptr K. Maurer (ft) [Entry date 09/04/02]

9/4/02 144 Revised First NOTICE by ArthroCare Corp. to take deposition of Smith & Nephew, Inc. on 9/26/02 (ft) [Entry date 09/06/02]

9/6/02 146 NOTICE by Smith & Nephew Inc. to take deposition of Arthrocare Corp. on 9/24/02 (rd) [Entry date 09/09/02]

9/6/02 147 Letter to Judge Robinson from J. Blumenfeld re pending motion to bifurcate willfulness adn damages (DI#107). (rd) [Entry date 09/09/02]

9/10/02 148 NOTICE by Smith & Nephew Inc. to take deposition of Alan Weinstein on 10/4/02 (ft) [Entry date 09/13/02]

9/10/02 149 NOTICE by Smith & Nephew Inc. to take deposition of James Pacek on 10/2/02 (ft) [Entry date 09/13/02]

9/10/02 150 NOTICE by Smith & Nephew Inc. to take deposition of Jean Woloszko on 10/1/02 (ft) [Entry date 09/13/02]

9/10/02 151 NOTICE by Smith & Nephew Inc. to take deposition of Fernando Sanchez on 10/3/02 (ft) [Entry date 09/13/02]

9/10/02 152 NOTICE by ArthroCare Corp. to take deposition of Mark Kieras, Linda Guthrie, and Duane Marion; date to be provided by Smith & Nephew no later than 9/11/02, (ft) [Entry date 09/13/02]

9/10/02 153 Letter to Judge Robinson from W. Marsden, Jr. responding to D.I. # 147 regarding the timing of Smith & Nephew's election whether or not to rely on the advice of cnsl as a defense to ArthroCare's charge of willful infringement; Arthrocare seeks a ruling in its favor on Smith & Nephew's motion to bifurcate and stay (D.I. #107) without waiting for a decision on the merits of that fully briefed motion (ft) [Entry date 09/13/02]

9/11/02 154 NOTICE by Smith & Nephew Inc. to take deposition of Dennis Denen on 9/20/02 (ft) [Entry date 09/16/02]

9/11/02 155 Objections to pltf Arthrocare Corporation's Revised First Notice of Deposition by Smith & Nephew Inc. (ft) [Entry date 09/16/02]

9/12/02 156 Fourth NOTICE by ArthroCare Corp. to take deposition of Smith & Nephew, Inc. on 9/27/02 (ft) [Entry date 09/16/02] [Edit date 09/16/02]

9/13/02 157 NOTICE by Smith & Nephew Inc. to take deposition of Andrew R. Eggers on 10/2/02 (ft) [Entry date 09/16/02]

9/13/02 158 NOTICE by Smith & Nephew Inc. to take deposition of Philip E. Eggers on 9/26/02 (ft) [Entry date 09/16/02]

9/13/02 159 NOTICE by Smith & Nephew Inc. to take deposition of Eric A. Eggers on 10/1/02 (ft) [Entry date 09/16/02]

9/13/02 160 MOTION by Smith & Nephew Inc. with Proposed Order for Reconsideration of a portion of the Court's [141-1] order seeks reargument and reconsideration of paragraphs 2 and 3 of the Order; Answer Brief due 9/27/02 re: [160-1] motion (ft) [Entry date 09/16/02]

9/25/02 161 Letter to Judge Robinson from J. Blumenfeld requesting a

teleconf. to resolve disputes in connection with  
depositions; Fact discovery due to close 10/15/02 (ft)  
[Entry date 09/26/02]

- 9/26/02 162 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re subpoena upon Andrew Eggers, Eggers & Associates, Inc., Dublin, OH (ft) [Entry date 09/30/02]
- 9/26/02 163 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re subpoena upon Eric Eggers, Eggers & Associates, Inc., Dublin, OH (ft) [Entry date 09/30/02]
- 9/26/02 164 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re subpoena upon Gyrus Medical, Ltd., Maple Grove, MN (ft) [Entry date 09/30/02]
- 9/26/02 165 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re subpoena upon Philip Eggers, Eggers & Associates, Inc., Dublin, OH (ft) [Entry date 09/30/02]
- 9/26/02 166 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re subpoena upon the Custodian of Records, Eggers & Associates, Inc., Dublin, OH (ft) [Entry date 09/30/02]
- 9/26/02 167 Answer Brief Filed by ArthroCare Corp. [160-1] motion for Reconsideration of a portion of the Court's [141-1] order - Reply Brief due 10/3/02 (ft) [Entry date 09/30/02]
- 9/27/02 168 Letter to Judge Robinson from W. Marsden, Jr. responding to Mr. Blumenfeld's letter of 9/25/02 (DI # 161) requesting a teleconf to resolve discovery disputes that have arisen; Smith & Nephew agrees that a teleconf. is needed but writes to correct the record with respect to the issues raised by ArthroCare and identify additional discovery issues Smith & Nephew would like the Court to address at the teleconf. (ft) [Entry date 10/01/02]
- 9/27/02 169 CERTIFICATE OF SERVICE by ArthroCare Corp. re objs to ntc of deposition (ft) [Entry date 10/01/02]
- 9/27/02 170 Objections to Smith & Nephew's Notice of Deposition under Fed. R. Civ. P. 30 (b)(6) by ArthroCare Corp. (ft) [Entry date 10/01/02]
- 10/3/02 171 NOTICE by Smith & Nephew Inc. to take deposition of Jack C. Cordes on 10/15/02 (ft) [Entry date 10/07/02]
- 10/3/02 172 MOTION by Smith & Nephew Inc. with Proposed Order to Strike [167-1] answer brief(Arthrocare Corporation's Opposition to Smith & Nephew's Motion for Reargument) Answer Brief due 10/17/02 re: [172-1] motion (ft) [Entry date 10/07/02]
- 10/7/02 173 MOTION by Smith & Nephew Inc. with Proposed Order for Thomas M. Johnston, Esq. and Katherine D. Prescott, Esq. to Appear Pro Hac Vice re: [173-1] motion (ft) [Entry date 10/08/02]
- 10/8/02 -- So Ordered granting [173-1] motion for Thomas M. Johnston, Esq. and Katherine D. Prescott, Esq. to Appear Pro Hac Vice

( signed by Judge Sue L. Robinson ) Notice to all parties.  
(rd) [Entry date 10/09/02]

10/10/02 174 Letter to Judge Robinson from K. Walter, Jr. requesting a teleconference with the Court to resolve discovery disputes that have arisen in connection with fact discovery and in connection with the parties' letters previously submitted on 9/25/02 and 9/27/02; two general issues which require guidance before the close of fact discovery on 10/15/02; Smith & Nephew requests that the remaining deadlines in this case be extended to allow Smith & Nephew time to gather all the evidence to which it is entitled to prepare for trial (ft)

10/11/02 -- Deadline updated; set Telephone Conference for 8:30 10/15/02 (ft)

10/15/02 175 CERTIFICATE OF SERVICE by ArthroCare Corp. re (1) suppl. obj. and resp. to 1st set of interrogs. (nos. 4-6); and (2) suppl. obj. and resp. to interrogs. (nos. 20 and 21) (rd)

10/15/02 -- Tele-conference held; Judge Robinson presiding; crt. rprr. B. Gaffigan present; re discovery issues. (rd)

10/15/02 -- Deadline updated; set Discovery Hearing for 9:30 10/30/02 set during telecnf. on 10/15/02 (rd)

10/15/02 176 SEALED Letter from Jack B. Blumenfeld to the Honorable Sue L. Robinson dated 10/15/02 (ft) [Entry date 10/16/02]

10/15/02 177 TRANSCRIPT filed [0-0] telephone conference for dates of 10/15/02; Judge Robinson presiding; Crt Rptr B. Gaffigan (ft) [Entry date 10/17/02]

10/16/02 178 CERTIFICATE OF SERVICE by ArthroCare Corp. re supplemental objs and resp to dft interrog No. 11 (ft) [Entry date 10/17/02]

10/17/02 179 Steno Notes for 10/15/02 teleconference; Judge Robinson presiding; Crt Rptr B. Gaffigan (ft)

10/18/02 180 Answer Brief Filed by ArthroCare Corp. [172-1] motion to Strike [167-1] answer brief (Arthrocare Corporation's Opposition to Smith & Nephew's Motion for Reargument) - Reply Brief due 10/25/02 (ft)

10/29/02 181 Letter to Judge Robinson from J. Blumenfeld re conference at 9:30 10/30/02; ArthroCare would like to raise the following matters: 1. Status of Depositions; 2. Status of Document Production; 3. Scheduling; 4. Smith & Nephew's Invalidity Contentions; and 5. Reliance on Advice of Counsel (ft)

10/30/02 182 Letter to Judge Robinson from W. Marsden re conference at 9:30 10/30/02; would like to raise the following matters: 1. scheduling; 2. deposition status; 3. document production; 4. contention interrogatories (ft)

10/30/02 -- Discovery hearing held; Judge Robinson presiding; Crt Rptr V. Gunning present; re discovery issues; Smith & Nephew

ordered to produce certain docs for in camera review; Arthrocare to produce prior art through date of patent issue; Arthrocare must identify docs from Mr. Eggers or allow Smith & Nephew to review Mr. Egger's docs; Arthrocare ordered to search for emails or confirm none exist; all parties to schedule remaining depositions within one week (ft)

10/30/02 -- Deadline updated; set Telephone Conference for 12:00 11/7/02 set in court on 10/30/02 (ft)

11/6/02 183 Letter to Judge Robinson from J. Blumenfeld re status of discovery in advance of telephone conference; would like to discuss items 4 and 5 of 10/29/02 letter; attached is a proposed revision to the scheduling order (ft)

11/7/02 184 Letter to Judge Robinson from M. Hebert writing on behalf of Smith & Nephew to list the items would like to raise during 11/7/02 telephone conference (ft)

11/7/02 -- Tele-conference held; Judge Robinson presiding; crt. rprr. B. Gaffigan; re discovery issues; set oral argument on "stay" for 11/25/02 at 11:00; parties to file briefs re motion for stay shortly. (rd)

11/7/02 -- Deadline updated; set Oral Argument for 11:00 11/25/02 re "stay"; set during telecnf. on 11/7/02 (rd)

11/8/02 185 TRANSCRIPT filed [0-0] telephone conference for dates of 11/7/02; Judge Robinson presiding; Court Rprr B. Gaffigan (ft) [Entry date 11/12/02]

11/12/02 186 Steno Notes for 11/7/02 teleconference; Judge Robinson presiding; Crt Rprr B. Gaffigan (ft)

11/14/02 187 MOTION by Smith & Nephew Inc. with Proposed Order to Stay these proceedings pending the reexamination of U.S. Patent '536 Answer Brief due 11/29/02 re: [187-1] motion (ft) [Entry date 11/15/02]

11/14/02 188 SEALED Memorandum in Support Filed by Smith & Nephew Inc. [187-1] motion to Stay these proceedings pending the reexamination of U.S. Patent '536 (ft) [Entry date 11/15/02]

11/14/02 189 SEALED Declaration of Mark Hebert in support of DI # 188 (ft) [Entry date 11/15/02] [Edit date 11/15/02]

11/15/02 190 Letter to Judge Robinson from W. Marsden, Jr. enclosing documents and explanation of redactions to the Court for in camera review in accordance with the Court's instructions in the 10/30/02 conference and 11/7/02 teleconference; Smith & Nephew has also provided the declaration of Eugene B. Joswick; the documents and the declaration disclose privileged information and have not been served on ArthroCare; (Sealed enclosures given to Judge Robinson) (ft) [Entry date 11/18/02] [Edit date 11/20/02]

11/18/02 191 Letter to Judge Robinson from K. Walter, Jr. enclosing, in addition to the material Smith & Nephew submitted on 11/15/02 for in camera review, copies of SN 20822 in

redacted and unredacted form and an explanation for the redaction attached as Exhibit A; material was inadvertently omitted from the binder that Smith & Nephew submitted on 11/15/02 (Sealed enclosures given to Judge Robinson) (ft) [Edit date 11/20/02]

- 11/18/02 192 Letter to Clerk from W. Marsden, Jr. enclosing the original signature page for Declaration of Mark J. Hebert in support of Smith & Nephew's Motion to Stay (DI 189); requests replace the faxed version previously submitted with the enclosed original (ft) [Entry date 11/19/02]
- 11/18/02 193 CERTIFICATION OF PERRY CLARK by ArthroCare Corp. re illegible documents; to the extent better copies could be located, they were produced to Smith & Nephew at Mr. Eggers' deposition on 11/13/02 (ft) [Entry date 11/19/02]
- 11/21/02 194 SEALED Answer Brief Filed by ArthroCare Corp. [187-1] motion to Stay these proceedings pending the reexamination of U.S. Patent '536 - Reply Brief due 11/29/02 (ft) [Entry date 11/22/02]
- 11/21/02 195 SEALED Appendix to Brief Filed by ArthroCare Corp. Appending [194-1] answer brief (ft) [Entry date 11/22/02]
- 11/22/02 196 Letter to Judge Robinson from W. Marsden re addressing some issues have yet to resolve with ArthroCare regarding its document production; requests that the Court order ArthroCare to produce the requested documents and information (ft) [Entry date 11/25/02]
- 11/22/02 197 Letter to Judge Robinson from M. Hebert re partially-illegible documents that came up during the Telecnf. on 11/7/02 (ft) [Entry date 11/25/02]
- 11/22/02 198 MOTION by Smith & Nephew Inc. with Proposed Order to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum Answer Brief due 12/6/02 re: [198-1] motion (ft) [Entry date 11/25/02]
- 11/22/02 199 SEALED Opening Brief Filed by Smith & Nephew Inc. [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum (ft) [Entry date 11/25/02]
- 11/22/02 200 SEALED Declaration of Thomas M. Johnston in support of DI # 198 (ft) [Entry date 11/25/02]
- 11/25/02 201 Letter to Judge Robinson from K. Jacobs Loudon enclosing DI # 202, a proposed Revised Scheduling Order (ft)
- 11/25/02 202 Proposed Revised Scheduling Order filed by ArthroCare Corp. (ft)
- 11/25/02 203 TRANSCRIPT filed [0-0] discovery hearing for dates of 10/30/02; Judge Robinson presiding; Crt Rptr V. Gunning (ft)
- 11/25/02 204 SEALED MOTION by Smith & Nephew Inc. to Strike Documents as inadmissible hearsay Answer Brief due 12/9/02 re: [204-1] motion (ft)

11/25/02 -- Status conference held; Judge Robinson presiding; Crt Rptr Hawkins; decisions: (1) produce illegible documents-Denied; (2) Motion for Re-Argument on inequitable conduct-Denied; and (3) Trial will be bifurcated into liability and Damages (ft) [Entry date 12/02/02]

11/26/02 205 Letter MOTION by ArthroCare Corp. to object to the disclosure of ArthroCare's confidential information to Kenneth Burchfiel, Smith & Nephew's proposed patent law expert Arthrocare objected to the disclosure; Mr. Burchfiel has no need to view ArthroCare's confidential information; should not be permitted access to ArthroCare's confidential information re: [205-1] motion (ft)

11/27/02 206 Memorandum ORDER denying [187-1] motion to Stay these proceedings pending the reexamination of U.S. Patent '536; see order for reasons; denying [172-1] motion to Strike [167-1] answer brief(Arthrocare Corporation's Opposition to Smith & Nephew's Motion for Reargument), denying [160-1] motion for Reconsideration of a portion of the Court's [141-1] order, granting [111-1] motion for Leave to File amended answer and counterclm; However, discovery and trial of dft's newly added counterclaim for antitrust violations are stayed consistent with the ruling on the issues of damages and willfullfulness; granting [107-1] motion to Bifurcate Willfulness and Damages, granting [107-2] motion to Stay Discovery; discovery on the issues of willfulness and damages will be stayed until after the verdict on infringement and invalidity has been returned; these issues will be tried to a new jury; Dft's claim of privilege pertaining to redactions in certain documents (DI # 190) is denied; court finds that the info. redacted is equivalent to the info. required to be included in a privilege log, and thus not privileged info.( signed by Judge Sue L. Robinson ) copies to: cns1 (ft)

11/27/02 207 Letter to Clerk from K. Walter, Jr. re hearing before Judge Robinson yesterday; counsel for Smith & Nephew distributed the attached Table entitled Comparison of '592 and '536 Patent Claim Language; submitting for filing with the court; also filing separately, the Supplemental Declaration of Mark Hebert (DI # 208), which was also distributed at the hearing (ft)

11/27/02 208 Supplemental Declaration of Mark J. Hebert in support of Smith & Nephew's Motion to Stay (ft)

11/27/02 209 TRANSCRIPT filed for Oral Argument for dates of 11/25/02; Judge Robinson presiding; Crt Rptr. Hawkins Reporting Service (ft) [Entry date 12/02/02]

11/27/02 219 Amended ANSWER to complaint and COUNTERCLAIM by Smith & Nephew Inc. ; jury demand against ArthroCare Corp. (rd) [Entry date 12/23/02]

11/27/02 -- So Ordered mootng [204-1] motion to Strike Documents as inadmissible hearsay per D.I. # 206 (Memorandum Order) (ft) [Entry date 04/09/03]

12/2/02 210 Letter to Judge Robinson from J. Blumenfeld re proposed

revised scheduling order filed on 11/25/02 (DI # 201 and 202); now that the stay motion has been denied, would like to get a schedule in place promptly; request that it be entered (ft) [Entry date 12/03/02]

- 12/3/02 211 Letter to Judge Robinson from J. Blumenfeld re 11/27/02 Order; granted Smith & Nephew's motion to amend its answer to assert an antitrust counterclaim; stayed discovery and trial on that counterclaim until after the trial of the patent issues; it is ArthroCare's understanding that it need not respond to the antitrust counterclaim until after the patent trial (ft) [Entry date 12/04/02]
- 12/3/02 212 Letter to Judge Robinson from W. Marsden, Jr. responding to DI # 210 requesting entry of ArthroCare's proposed scheduling order; Smith & Nephew opposes entry of the proposed scheduling order; enclosing Smith & Nephew's proposed scheduling order; request entry; alternatively, request a teleconference to resolve scheduling issues (ft) [Entry date 12/04/02]
- 12/3/02 214 SEALED Letter to The Honorable Sue L. Robinson from Jack R. Blumenfeld (ft) [Entry date 12/06/02]
- 12/4/02 213 Letter to Judge Robinson from J. Blumenfeld re Smith & Nephew's letter of 12/3/02 and proposed scheduling order; parties have proposed different paths; available for a telephone conference (ft) [Entry date 12/06/02]
- 12/9/02 215 STIPULATION to extend time for Ethicon, Inc. to file an answering brief in opposition to DI # 198; with proposed order (ft) [Entry date 12/10/02]
- 12/10/02 216 SEALED Letter to Chief Judge Sue L. Robinson from William J. Marsden, Jr. responding to outstanding document production issues with Exhibits A through H (ft) [Entry date 12/11/02]
- 12/11/02 -- So Ordered granting [215-1] stipulation reset Answer Brief Deadline to 1/17/03 re: [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)
- 12/11/02 217 Letter to Judge Robinson from W. Marsden, Jr. responding to Ms. Jacobs Loudon's letter of 11/26/02 (DI # 204); request that the Court overrule ArthroCare's objection and allow Smith & Nephew to show confidential material to its patent law expert (ft) [Entry date 12/12/02]
- 12/23/02 218 Letter to Judge Robinson from J. Blumenfeld requesting a conference with the Court so that a schedule for the remainder of the case can be put into place leading to the 4/28/03 trial date (ft)
- 12/26/02 220 Letter to Judge Robinson from W. Marsden, Jr. re DI # 218; letter of 12/23/02 requesting a teleconf. to set a schedule for the remainder of this case; Smith & Nephew would have no objection to the Court extending the trial date to allow time for decision on the Markman issues and sum jgm.; seek

Court's assistance in narrowing the issues for trial; request that the Court schedule a date two weeks before burden expert reports are due that ArthroCare must narrow the claims to the handful they wish to take to trial (ft) [Entry date 12/30/02]

1/2/03 221 Letter to Judge Robinson from J. Blumenfeld responding to Smith & Nephew's 12/26 letter concerning the setting of a schedule and the 4/28/03 trial date ( DI # 220); no reason why this case cannot be ready for trial 4 months from now; ArthroCare again requests a conference to get the scheduling impasse resolved (ft) [Entry date 01/03/03]

1/9/03 -- Deadline updated; set Status Conference for 2:00 1/22/03 per recent filings by the parties re scheduling matters (rd)

1/9/03 222 Letter to Judge Robinson from K. Jacobs Loudon confirming that the Court has set an in-person status conference on 1/22/03 at 2:00 p.m. (ft) [Entry date 01/10/03]

1/17/03 223 SEALED Answer Brief Filed by Ethicon, Inc [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum - Reply Brief due 1/24/03 (rd) [Entry date 01/21/03]

1/22/03 224 Steno Notes for 1/22/03 Status Conference; Judge Robinson presiding; Crt Rptr. L. Dibbs (ft) [Entry date 01/23/03]

1/22/03 -- Status conference held; Judge Robinson presiding; crt. rptr. L. Dibbs (rd) [Entry date 01/23/03]

1/22/03 -- So Ordered mootng [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum; per Status Conference 1/22/03 (ft) [Entry date 04/09/03]

1/23/03 225 Revised SCHEDULING ORDER; on or before 1/29/03 deft. shall submit to pltf. its final claim construction; on or before 2/5/03 pltf. shall file its expert report(s) on issues for which it has the burden of proof (most notably-infringement); deft. shall file its rebuttal expert report by 2/19/03; by 2/12/03 deft. shall file its expert report(s) for which it has the burden of proof (most notably invalidity); pltf. shall file rebuttal expert report by 2/26/03; summary jgm. motions due 3/4/03; oral argument shall be 4/1/03 at 4:30; all motions in limine due 4/1/03 with responses due 4/8/03; setting Pretrial conference for 4:30 4/15/03 ; Jury Trial Date Deadline 9:30 4/28/03 ; See order for further details (signed by Judge Sue L. Robinson ) copies to: cnsl. (rd)

1/23/03 -- Deadline updated; Oral Arugment on Summary Jgm. Motions for 4:30 4/1/03 per DI#225 (rd)

1/24/03 226 TRANSCRIPT filed [0-0] status conference for dates of 1/22/03; Judge Robinson presiding; Crt Rptr. L. Dibbs (ft)

1/27/03 227 SEALED Reply Brief Filed by Smith & Nephew Inc. [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum (ft) [Entry date 01/29/03]

1/27/03 228 Declaration of Mark J. Hebert in support of DI # 227 (ft)  
[Entry date 01/29/03]

1/27/03 229 Notice of Deficiency from the court to defendant Smith &  
Nephew Inc.; no original signature on DI # 228 (ft)  
[Entry date 01/29/03]

1/28/03 230 Letter to Clerk from K. Walter, Jr. enclosing original  
signature page for DI # 228 which was filed on 1/27/03;  
please replace the faxed version previously submitted with  
the enclosed original (ft) [Entry date 01/29/03]

1/29/03 231 Letter MOTION by ArthroCare Corp. to object to the  
disclosure of ArthroCare's confidential information to  
Ronald Panitch, Smith & Nephew's proposed patent law expert  
re: [231-1] motion (ft) [Entry date 01/30/03]

1/30/03 232 Letter to Clerk from K. Walter, Jr. enclosing replacement  
Exhibits I and O which contain the correct letters to  
Declaration of Mark J. Hevert in Support of Smith &  
Nephew's Reply Brief in Support of its Motion to Compel  
Ethicon, which was filed on 1/27/03; replace the attached  
exhibits with version previously submitted with the  
original (ft) [Entry date 01/31/03]

1/31/03 233 Letter to Judge Robinson from S. Balick requesting oral  
argument on deft.'s motion to compel (D.I. 198). (rd)  
[Entry date 02/03/03]

2/3/03 234 STIPULATION to extend time for Ethicon to respond to the  
counterclaim; with proposed order (rd) [Entry date 02/04/03]

2/5/03 -- So Ordered granting [234-1] stipulation; Ethicon must  
respond to deft.'s counterclaim within 30 days after  
Ethicon's cnsl. receives ntc. from deft. Smith & Nephew's  
cnsl. that there has been a verdict in the patent trial (  
signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

2/10/03 235 Letter to Judge Robinson from W. Marsden, Jr. requesting  
immediate telecnf. with court to address pltf.'s failure to  
limit the asserted claims (rd)

2/11/03 236 Letter to Judge Robinson from J. Blumenfeld responding to  
deft.'s letter of 2/10/03 (rd)

2/11/03 -- Deadline updated; set Telephone Conference for 7:30  
2/13/03 per req. made in D.I. #235 (rd)  
[Edit date 02/11/03]

2/11/03 237 Letter to Judge Robinson from K. Walter, Jr. re 2/13/03  
telecnf. and req. for relief from the 2/12/03 due date for  
deft.'s invalidity expert reports; req. court hold the due  
date for deft. until after the telecnf. date; cnsl. for  
pltf. opposes this request. (rd)

2/12/03 238 Letter to Judge Robinson from K. Walter responding to J.  
Blumenfeld's letter D.I. 231. (rd)

2/13/03 -- Tele-conference held; Judge Robinson presiding; crt. rprr.  
K. Maurer present. (rd) [Entry date 02/14/03]

2/13/03 -- So Ordered mooting [205-1] letter/motion to object to the disclosure of ArthroCare's confidential information to Kenneth Burchfiel, Smith & Nephew's proposed patent law expert; per Telephone Conference of 2/13/03 (ft) [Entry date 04/09/03] [Edit date 04/09/03]

2/13/03 -- So Ordered mooting [231-1] motion to object to the disclosure of ArthroCare's confidential information to Ronald Panitch, Smith & Nephew's proposed patent law expert; per Telephone Conference of 2/13/03 (ft) [Entry date 04/09/03]

2/14/03 239 TRANSCRIPT filed [0-0] telephone conference for dates of 2/13/03; Judge Robinson presiding; crt. rptr. K. Maurer (rd)

2/14/03 240 Steno Notes for 2/13/03 telecnf.; Judge Robinson presiding; crt. rptr. K. Maurer. (rd) [Entry date 02/19/03]

2/20/03 241 STIPULATION to extend time for deft. to serve rebuttal expert reports with proposed order (rd)

2/21/03 -- So Ordered granting [241-1] stipulation extending time for deft. to serve its rebuttal expert reports until 2/21/03 ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

2/24/03 242 CERTIFICATE OF SERVICE by ArthroCare Corp. re Opening Expert Report of Dr. S. Nahum Goldberg (ft) [Entry date 02/27/03]

3/4/03 243 CERTIFICATE OF SERVICE by ArthroCare Corp. re Expert Reports of (1) Creighton Hoffman, (2) Charles Van Horn, (3) Dr. S. Nahum Goldberg and Dr. Elliott H. Leitman. (rd) [Entry date 03/05/03]

3/4/03 244 ArthroCare Corp. Opening Claim Construction Brief (rd) [Entry date 03/05/03]

3/4/03 245 SEALED Appendix to Brief Filed by ArthroCare Corp. Appending D.I. 244 re claim construction (rd) [Entry date 03/05/03]

3/4/03 246 SEALED Smith & Nephew Inc. Opening Claim Construction Brief (rd) [Entry date 03/05/03]

3/4/03 247 MOTION by ArthroCare Corp. for partial Summary Judgment that the asserted claims of the patents-in-suit are not invalid due to obviousness or based on an alleged on-sale bar or public use Answer Brief due 3/18/03 re: [247-1] motion (rd) [Entry date 03/05/03]

3/4/03 248 Opening Brief Filed by ArthroCare Corp. [247-1] motion for partial Summary Judgment that the asserted claims of the patents-in-suit are not invalid due to obviousness or based on an alleged on-sale bar or public use (rd) [Entry date 03/05/03]

3/4/03 249 MOTION by ArthroCare Corp. for partial Summary Judgment that deft. infringes the asserted claims of the '882 patent

Answer Brief due 3/18/03 re: [249-1] motion (rd)  
[Entry date 03/05/03]

- 3/4/03 250 SEALED Opening Brief Filed by ArthroCare Corp. [249-1] motion for partial Summary Judgment that deft. infringes the asserted claims of the '882 patent (rd)  
[Entry date 03/05/03]
- 3/4/03 251 MOTION by ArthroCare Corp. with Proposed Order for Partial Summary Judgment that deft. infringes claim 1 of the '592 patent Answer Brief due 3/18/03 re: [251-1] motion (rd) [Entry date 03/05/03]
- 3/4/03 252 SEALED Opening Brief Filed by ArthroCare Corp. [251-1] motion for Partial Summary Judgment that deft. infringes claim 1 of the '592 patent (rd) [Entry date 03/05/03]
- 3/4/03 253 SEALED Appendix to Brief Filed by ArthroCare Corp. Appending [252-1] opening brief, [250-1] opening brief, [248-1] opening brief (rd) [Entry date 03/05/03]
- 3/4/03 254 Letter to Judge Robinson from W. Marsden detailing a brief description of the filings made today with the court on behalf of deft. (rd) [Entry date 03/05/03]
- 3/4/03 255 MOTION by Smith & Nephew Inc. with Proposed Order for partial Summary Judgment of non-infringement of U.S. Patents '536, '882, and '592 Answer Brief due 3/18/03 re: [255-1] motion (rd) [Entry date 03/05/03]
- 3/4/03 256 SEALED Opening Brief Filed by Smith & Nephew Inc. [255-1] motion for partial Summary Judgment of non-infringement of U.S. Patents '536, '882, and '592 (rd) [Entry date 03/05/03]
- 3/4/03 257 MOTION by Smith & Nephew Inc. with Proposed Order for Partial Summary Judgment of (1) nonenablement, (2) indefiniteness, and (3) lack of written description Answer Brief due 3/18/03 re: [257-1] motion (rd)  
[Entry date 03/05/03]
- 3/4/03 258 SEALED Opening Brief Filed by Smith & Nephew Inc. [257-1] motion for Partial Summary Judgment of (1) nonenablement, (2) indefiniteness, and (3) lack of written description (rd)  
[Entry date 03/05/03]
- 3/4/03 259 MOTION by Smith & Nephew Inc. with Proposed Order for Summary Judgment to enforce the settlement agreement removing control RF product from the case Answer Brief due 3/18/03 re: [259-1] motion (rd) [Entry date 03/05/03]  
[Edit date 03/05/03]
- 3/4/03 260 SEALED Opening Brief Filed by Smith & Nephew Inc. [259-1] motion for Summary Judgment to enforce the settlement agreement removing control RF product from the case (rd)  
[Entry date 03/05/03] [Edit date 03/05/03]
- 3/4/03 261 MOTION by Smith & Nephew Inc. with Proposed Order for Summary Judgment of invalidity based on prior art Answer Brief due 3/18/03 re: [261-1] motion (rd)  
[Entry date 03/05/03]

3/4/03 262 SEALED Opening Brief Filed by Smith & Nephew Inc. [261-1] motion for Summary Judgment of invalidity based on prior art (rd) [Entry date 03/05/03]

3/4/03 263 SEALED Declaration of William J. Marsden, Jr. in support of deft.'s summary jgm. motions filed 3/4/03 (rd) [Entry date 03/05/03]

3/4/03 264 SEALED Declaration of William J. Marsden, Jr. Volume 1 in support of Deft.'s summary jgm. motions filed 3/4/03 (rd) [Entry date 03/05/03]

3/4/03 265 SEALED Declaration of William J. Marsden, Jr. Volume 2 in support of Deft.'s summary jgm. motions filed 3/4/03 (rd) [Entry date 03/05/03]

3/4/03 266 SEALED Declaration of William J. Marsden, Jr. Volume 3 in support of Deft.'s summary jgm. motions filed 3/4/03 (rd) [Entry date 03/05/03]

3/4/03 267 SEALED Declaration of William J. Marsden, Jr. Volume 4 in support of Deft.'s summary jgm. motions filed 3/4/03 (rd) [Entry date 03/05/03]

3/4/03 268 SEALED Declaration of William J. Marsden, Jr. Volume 5 in support of Deft.'s summary jgm. motions filed 3/4/03 (rd) [Entry date 03/05/03]

3/4/03 269 Letter to Clerk from E. Joswick enclosing two sets of the Table of Authorities for deft.'s opening claim construction brief (rd) [Entry date 03/05/03]

3/5/03 270 SEALED Joint Claim Construction Statement (rd)

3/17/03 271 Letter to Judge Robinson from J. Blumenfeld advising that on 3/14/03, the Patent Office issued a Notice of Intent to Issue a Reexamination Certificate, a copy of which is attached as Exhibit A (ft) [Entry date 03/18/03]

3/17/03 272 MOTION by Smith & Nephew Inc. with Proposed Order to Strike the Expert Reports of Creighton G. Hoffman and Elliott H. Leitman Answer Brief due 3/31/03 re: [272-1] motion (ft) [Entry date 03/18/03]

3/17/03 273 SEALED Opening Brief Filed by Smith & Nephew Inc. [272-1] motion to Strike the Expert Reports of Creighton G. Hoffman and Elliott H. Leitman (ft) [Entry date 03/18/03]

3/18/03 274 MOTION by ArthroCare Corp. to Strike the Roos Declaration Answer Brief due 4/1/03 re: [274-1] motion (ft) [Entry date 03/19/03]

3/18/03 275 SEALED Answer Brief Filed by ArthroCare Corp. [259-1] motion for Summary Judgment to enforce the settlement agreement removing control RF product from the case - Reply Brief due 3/25/03 (ft) [Entry date 03/19/03]

3/18/03 276 Declaration of John T. Raffle (ft) [Entry date 03/19/03]

3/18/03 277 SEALED Declaration of Philip E. Eggers in Opposition to Smith & Nephew's Motion for Sum. Jgm. of Invalidity based on Prior Art (ft) [Entry date 03/19/03]  
[Edit date 03/19/03]

3/18/03 278 SEALED Declaration of Greighton G. Hoffman (ft)  
[Entry date 03/19/03]

3/18/03 279 SEALED Answer Brief Filed by ArthroCare Corp. [255-1] motion for partial Summary Judgment of non-infringement of U.S. Patents '536, '882, and '592 - Reply Brief due 3/25/03 (ft) [Entry date 03/19/03]

3/18/03 280 SEALED Answer Brief Filed by ArthroCare Corp. [261-1] motion for Summary Judgment of invalidity based on prior art - Reply Brief due 3/25/03 (ft) [Entry date 03/19/03]

3/18/03 281 SEALED Answering Brief by ArthroCare Corp. in opposition to [246-1] Opening Claim Construction Brief (ft)  
[Entry date 03/19/03]

3/18/03 282 SEALED Responsive Claim Construction Brief by Smith & Nephew Inc. (ft) [Entry date 03/19/03]

3/18/03 283 SEALED Answer Brief Filed by Smith & Nephew Inc. [247-1] motion for partial Summary Judgment that the asserted claims of the patents-in-suit are not invalid due to obviousness or based on an alleged on-sale bar or public use - Reply Brief due 3/25/03 (ft) [Entry date 03/19/03]

3/18/03 284 Answer Brief Filed by Smith & Nephew Inc. [249-1] motion for partial Summary Judgment that deft. infringes the asserted claims of the '882 patent - Reply Brief due 3/25/03 (ft) [Entry date 03/19/03]

3/18/03 285 SEALED Answer Brief Filed by Smith & Nephew Inc. [251-1] motion for Partial Summary Judgment that deft. infringes claim 1 of the '592 patent - Reply Brief due 3/25/03 (ft)  
[Entry date 03/19/03]

3/18/03 286 SEALED Declaration of Eugene B. Joswick (ft)  
[Entry date 03/19/03]

3/18/03 287 SEALED Declaration of Dr. S. Nahum Goldberg (Vol. 1) (ft)  
[Entry date 03/19/03]

3/18/03 288 SEALED Declaration of Dr. S. Nahum Goldberg (Vol. 2) (ft)  
[Entry date 03/19/03]

3/18/03 289 SEALED Declaration of Dr. S. Nahum Goldberg (Vol. 3) (ft)  
[Entry date 03/19/03]

3/18/03 290 SEALED Declaration of Dr. S. Nahum Goldberg (Vol. 4) (ft)  
[Entry date 03/19/03]

3/18/03 291 SEALED Declaration of Dr. S. Nahum Goldberg (Vol. 5) (ft)  
[Entry date 03/19/03]

3/18/03 292 SEALED Answer Brief Filed by ArthroCare Corp. [257-1] motion for Partial Summary Judgment of (1) nonenablement, (2) indefiniteness, and (3) lack of written description - Reply Brief due 3/25/03 (ft) [Entry date 03/19/03]

3/18/03 293 Arthrocare's Covenant not to sue Smith & Nephew on certain claims of the patents in suit (ft) [Entry date 03/19/03]

3/20/03 294 Letter to Clerk from K. Walter enclosing a Rule 7.1.1 Certificate for D.I. # 272; neglected to contact opposing counsel. re the motion before filing, have since contacted and believe the motion will be opposed (ft)

3/21/03 295 Letter to Judge Robinson from W. Marsden, Jr. responding to D.I. # 271; Smith & Nephew requests that it be given leave to take Examiner Mendez' deposition, presuming that the appropriate approval can be obtained from the Patent Office (ft) [Entry date 03/24/03] [Edit date 03/24/03]

3/25/03 296 Reply Brief Filed by ArthroCare Corp. [249-1] motion for partial Summary Judgment that deft. infringes the asserted claims of the '882 patent (ft) [Entry date 03/26/03]

3/25/03 297 Reply Brief Filed by ArthroCare Corp. [251-1] motion for Partial Summary Judgment that deft. infringes claim 1 of the '592 patent (ft) [Entry date 03/26/03]

3/25/03 298 Reply Brief Filed by ArthroCare Corp. [247-1] motion for partial Summary Judgment that the asserted claims of the patents-in-suit are not invalid due to obviousness or based on an alleged on-sale bar or public use (ft) [Entry date 03/26/03]

3/25/03 299 SEALED Reply Brief Filed by Smith & Nephew Inc. [259-1] motion for Summary Judgment to enforce the settlement agreement removing control RF product from the case (ft) [Entry date 03/26/03]

3/25/03 300 SEALED Reply Brief Filed by Smith & Nephew Inc. [257-1] motion for Partial Summary Judgment of (1) nonenablement, (2) indefiniteness, and (3) lack of written description (ft) [Entry date 03/26/03]

3/25/03 301 SEALED Reply Brief Filed by Smith & Nephew Inc. [255-1] motion for partial Summary Judgment of non-infringement of U.S. Patents '536, '882, and '592 (ft) [Entry date 03/26/03]

3/25/03 302 SEALED Reply Brief Filed by Smith & Nephew Inc. [261-1] motion for Summary Judgment of invalidity based on prior art (ft) [Entry date 03/26/03]

3/25/03 303 SEALED Declaration of Michael A. Choti (ft) [Entry date 03/26/03]

3/25/03 304 SEALED Declaration of Kim H. Manwaring (ft) [Entry date 03/26/03]

3/25/03 305 SEALED Declaration of Keith A. Walter, Jr. (ft) [Entry date 03/26/03]

3/25/03 306 Declaration of Kenneth L. Taylor (ft) [Entry date 03/26/03]

3/25/03 307 Notice of Deficiency from the court to defendant Smith & Nephew Inc.; no original signature on Declaration of Kenneth L. Taylor (D.I. # 306) (ft) [Entry date 03/26/03]

3/26/03 -- Deadline updated; Motion Hearing set for 2:00 4/1/03 (moved from 4:30 p.m.) for [274-1] motion to Strike the Roos Declaration, [272-1] motion to Strike the Expert Reports of Creighton G. Hoffman and Elliott H. Leitman, [261-1] motion for Summary Judgment of invalidity based on prior art, [259-1] motion for Summary Judgment to enforce the settlement agreement removing control RF product from the case, [257-1] motion for Partial Summary Judgment of (1) nonenablement, (2) indefiniteness, and (3) lack of written description, [255-1] motion for partial Summary Judgment of non-infringement of U.S. Patents '536, '882, and '592, [251-1] motion for Partial Summary Judgment that deft. infringes claim 1 of the '592 patent, [249-1] motion for partial Summary Judgment that deft. infringes the asserted claims of the '882 patent, [247-1] motion for partial Summary Judgment that the asserted claims of the patents-in-suit are not invalid due to obviousness or based on an alleged on-sale bar or public use, [231-1] motion to object to the disclosure of ArthroCare's confidential information to Ronald Panitch, Smith & Nephew's proposed patent law expert, [205-1] motion to object to the disclosure of ArthroCare's confidential information to Kenneth Burchfiel, Smith & Nephew's proposed patent law expert, [204-1] motion to Strike Documents as inadmissible hearsay, [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum (rd)

3/26/03 308 Declaration of Brian W. Napper (ft) [Entry date 03/27/03]

3/26/03 309 Notice of Deficiency from the court to defendant Smith & Nephew Inc.; no original signature on Declaration of Brian W. Napper (D.I. # 308) (ft) [Entry date 03/27/03]

3/26/03 310 CERTIFICATE OF SERVICE by Smith & Nephew Inc. re supplemental response to modified 1st set of interros (No. 6) (ft) [Entry date 03/27/03]

3/26/03 311 Letter to Clerk from K. Walter, Jr. enclosing the original signature page for the Declaration of Kenneth D. Taylor (D.I. # 306); replace the faxed version with the original (ft) [Entry date 03/27/03]

3/31/03 312 Answer Brief Filed by ArthroCare Corp. [272-1] motion to Strike the Expert Reports of Creighton G. Hoffman and Elliott H. Leitman - Reply Brief due 4/7/03 (ft) [Entry date 04/01/03]

3/31/03 313 CERTIFICATE OF SERVICE by ArthroCare Corp. re supplemental rebuttal expert report of Charles E. Van Horn (ft) [Entry date 04/01/03]

3/31/03 314 MOTION by ArthroCare Corp. with Proposed Order for Timothy E. DeMasi to Appear Pro Hac Vice (ft) [Entry date 04/01/03]

- 3/31/03 315 MOTION by Smith & Nephew Inc. with Proposed Order for Karen I. Boyd, Esquire to Appear Pro Hac Vice (ft) [Entry date 04/01/03]
- 4/1/03 316 MOTION by ArthroCare Corp. in Limine to exclude the testimony of Smith & Nephew's Patent Law Expert, Ronald L. Panitch Answer Brief due 4/8/03 re: [316-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 317 MOTION by ArthroCare Corp. in Limine to preclude Smith & Nephew from relying on any undisclosed facts or defenses Answer Brief due 4/8/03 re: [317-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 318 UNOPPOSED MOTION by ArthroCare Corp. in Limine to preclude Smith & Nephew from referring to injunctive relief that may be sought as a result of a finding of infringement re: [318-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 319 MOTION by ArthroCare Corp. in Limine to preclude Smith & Nephew from referring to a purported control RF Settlement Agreement Answer Brief due 4/8/03 re: [319-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 320 MOTION by ArthroCare Corp. in Limine to preclude Smith & Nephew from referring to Arthrocare's withdrawal of certain claims Answer Brief due 4/8/03 re: [320-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 321 MOTION by ArthroCare Corp. in Limine to preclude Smith & Nephew from referring to Judge Orrick's December 1, 1998 interlocutory decision in the Ethicon case Answer Brief due 4/8/03 re: [321-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 322 MOTION by ArthroCare Corp. in Limine to try inequitable conduct to the Court and to preclude Smith & Nephew from raising issues of inequitable conduct before the jury Answer Brief due 4/8/03 re: [322-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 323 MOTION by ArthroCare Corp. in Limine that Smith & Nephew's indefiniteness defenses not be presented to the jury Answer Brief due 4/8/03 re: [323-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 324 SEALED MOTION by ArthroCare Corp. in Limine to preclude Smith & Nephew from referring to its antitrust counterclaim or allegedly harmful effects of Arthrocare's RF Devices Answer Brief due 4/8/03 re: [324-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 325 SEALED MOTION by Smith & Nephew Inc. in Limine 1 of 6 to exclude certain Arthrocare expert testimony Answer Brief due 4/8/03 re: [325-1] motion (ft) [Entry date 04/02/03]
- 4/1/03 326 SEALED MOTION by Smith & Nephew Inc. in Limine 2 of 6 to exclude certain evidence related to Arthrocare's products Answer Brief due 4/8/03 re: [326-1] motion (ft)

[Entry date 04/02/03]

4/1/03 327 SEALED MOTION by Smith & Nephew Inc. in Limine 3 of 6 to exclude evidence of the reexamination of the '536 patent-in-suit Answer Brief due 4/8/03 re: [327-1] motion (ft) [Entry date 04/02/03] [Edit date 04/02/03]

4/1/03 328 SEALED MOTION by Smith & Nephew Inc. in Limine 4 of 6 to exclude certain evidence related to licensing Answer Brief due 4/8/03 re: [328-1] motion (ft) [Entry date 04/02/03]

4/1/03 329 SEALED MOTION by Smith & Nephew Inc. in Limine 5 of 6 to exclude certain Smith & Nephew documents Answer Brief due 4/8/03 re: [329-1] motion (ft) [Entry date 04/02/03]

4/1/03 330 SEALED MOTION by Smith & Nephew Inc. in Limine 6 of 6 to exclude evidence related to the control RF product Answer Brief due 4/8/03 re: [330-1] motion (ft) [Entry date 04/02/03]

4/1/03 331 SEALED Answer Brief Filed by Smith & Nephew Inc. [274-1] motion to Strike the Roos Declaration - Reply Brief due 4/8/03 (ft) [Entry date 04/02/03]

4/1/03 -- Oral Argument held; Judge Robinson presiding; Court Rptr. Hawkins; re: sum. jgm. motions (ft) [Entry date 04/03/03]

4/2/03 -- So Ordered granting [314-1] motion for Timothy E. DeMasi to Appear Pro Hac Vice ( signed by Judge Sue L. Robinson ) Notice to all parties. (ft)

4/2/03 -- So Ordered granting [315-1] motion for Karen I. Boyd, Esquire to Appear Pro Hac Vice ( signed by Judge Sue L. Robinson ) Notice to all parties. (ft)

4/2/03 332 Letter to Judge Robinson from W. Marsden, Jr. responding to Court's request for an explanation of the length parties' joint claim construction statement (D.I. # 270) (ft) [Entry date 04/03/03]

4/2/03 333 Letter to Judge Robinson from J. Blumenfeld responding to question about the 65-page joint claim construction chart (D.I. #270) (ft) [Entry date 04/03/03]

4/2/03 334 SEALED Letter to Deputy Clerk Tassone from K. Walter, Jr. dated 4/2/03 enclosing replacement pages to motion in limine 4 of 6 (ft) [Entry date 04/03/03]

4/3/03 335 TRANSCRIPT filed; oral argument for dates of 4/1/03; Judge Robinson presiding; Hawkins Reporting Service (ft)

4/7/03 336 SEALED Reply Brief Filed by Smith & Nephew Inc. [272-1] motion to Strike the Expert Reports of Creighton G. Hoffman and Elliott H. Leitman (rd) [Entry date 04/08/03]

4/8/03 337 Answer Brief Filed by Smith & Nephew Inc. [320-1] motion in Limine to preclude Smith & Nephew from referring to Arthrocare's withdrawal of certain claims (ft) [Entry date 04/09/03]

4/8/03 338 Answer Brief Filed by Smith & Nephew Inc. [317-1] motion in Limine to preclude Smith & Nephew from relying on any undisclosed facts or defenses (ft) [Entry date 04/09/03]

4/8/03 339 Answer Brief Filed by Smith & Nephew Inc. [321-1] motion in Limine to preclude Smith & Nephew from referring to Judge Orrick's December 1, 1998 interlocutory decision in the Ethicon case (ft) [Entry date 04/09/03]

4/8/03 340 Answer Brief Filed by Smith & Nephew Inc. [323-1] motion in Limine that Smith & Nephew's indefiniteness defenses not be presented to the jury (ft) [Entry date 04/09/03]

4/8/03 341 SEALED Answer Brief Filed by Smith & Nephew Inc. [324-1] motion in Limine to preclude Smith & Nephew from referring to its antitrust counterclaim or allegedly harmful effects of Arthrocare's RF Devices (ft) [Entry date 04/09/03]

4/8/03 342 Answer Brief Filed by ArthroCare Corp. [325-1] motion in Limine 1 of 6 to exclude certain Arthrocare expert testimony (ft) [Entry date 04/09/03]

4/8/03 343 SEALED Answer Brief Filed by ArthroCare Corp. [326-1] motion in Limine 2 of 6 to exclude certain evidence related to Arthrocare's products (ft) [Entry date 04/09/03]

4/8/03 344 Answer Brief Filed by ArthroCare Corp. [327-1] motion in Limine 3 of 6 to exclude evidence of the reexamination of the '536 patent-in-suit (ft) [Entry date 04/09/03]

4/8/03 345 SEALED Answer Brief Filed by ArthroCare Corp. [328-1] motion in Limine 4 of 6 to exclude certain evidence related to licensing (ft) [Entry date 04/09/03]

4/8/03 346 SEALED Answer Brief Filed by ArthroCare Corp. [329-1] motion in Limine 5 of 6 to exclude certain Smith & Nephew documents (ft) [Entry date 04/09/03]

4/8/03 347 SEALED Answer Brief Filed by ArthroCare Corp. [330-1] motion in Limine 6 of 6 to exclude evidence related to the control RF product (ft) [Entry date 04/09/03]

4/8/03 348 Reply Brief Filed by ArthroCare Corp. [274-1] motion to Strike the Roos Declaration (ft) [Entry date 04/09/03]

4/8/03 349 Answer Brief Filed by Smith & Nephew Inc. [322-1] motion in Limine to try inequitable conduct to the Court and to preclude Smith & Nephew from raising issues of inequitable conduct before the jury (ft) [Entry date 04/09/03]

4/8/03 350 Answer Brief Filed by Smith & Nephew Inc. [316-1] motion in Limine to exclude the testimony of Smith & Nephew's Patent Law Expert, Ronald L. Panitch (ft) [Entry date 04/09/03]

4/8/03 351 Letter to Judge Robinson from W. Marsden, Jr. notifying the Court that Smith & Nephew is not opposing ArthroCare's Motion in limine to preclude Smith & Nephew from referring to purported Control RF Settlement Agreement; Smith & Nephew's Motion in limine 6 of 6 seeks to exclude all evidence relating to the Control RF product; Smith & Nephew

is not opposing ArthroCare's Unopposed Motion in Limine to preclude Smith & Nephew from referring to Injunctive Relief that may be sought as a result of a finding of infringement (ft) [Entry date 04/09/03]

4/9/03 352 MEMORANDUM OPINION ( signed by Judge Sue L. Robinson )  
copies to: cnsl. (rd)

4/9/03 353 MEMORANDUM ORDER construing the disputed claim language in  
U.S. Patents '536, '882, and '592 as listed in this order(  
signed by Judge Sue L. Robinson ) copies to: cnsl. (rd)

4/9/03 354 ORDER denying [261-1] motion for Summary Judgment of  
invalidity based on prior art, denying [259-1] motion for  
Summary Judgment to enforce the settlement agreement  
removing control RF product from the case, denying [257-1]  
motion for Partial Summary Judgment of (1) nonenablement,  
(2) indefiniteness, and (3) lack of written description,  
denying [255-1] motion for partial Summary Judgment of  
non-infringement of U.S. Patents '536, '882, and '592,  
denying [251-1] motion for Partial Summary Judgment that  
deft. infringes claim 1 of the '592 patent, denying [249-1]  
motion for partial Summary Judgment that deft. infringes  
the asserted claims of the '882 patent, denying [247-1]  
motion for partial Summary Judgment that the asserted  
claims of the patents-in-suit are not invalid due to  
obviousness or based on an alleged on-sale bar or public  
use ( signed by Judge Sue L. Robinson ) copies to: cnsl.  
(rd)

4/9/03 355 Letter to Judge Robinson from J. Blumenfeld re key  
contested issue in case; whether the Roos '198 patent  
discloses electrically conductive fluid (ft)  
[Entry date 04/10/03]

4/10/03 356 ArthroCare's Supplemental Covenant not to sue Smith &  
Nephew on certain claims of the patents-in-suit (ft)  
[Entry date 04/11/03]

4/10/03 357 Joint Proposed Preliminary Jury instructions by ArthroCare  
Corp., Smith & Nephew Inc. (ft) [Entry date 04/11/03]

4/10/03 358 Proposed Voir dire questions by ArthroCare Corp. (ft)  
[Entry date 04/11/03]

4/10/03 359 Proposed Verdict Sheet filed by ArthroCare Corp. (ft)  
[Entry date 04/11/03]

4/10/03 360 Joint PRETRIAL ORDER (ft) [Entry date 04/11/03]

4/10/03 364 Proposed Voir dire questions by Smith & Nephew Inc. (rd)  
[Entry date 04/14/03]

4/10/03 365 Proposed Verdict Sheet filed by Smith & Nephew Inc. (rd)  
[Entry date 04/14/03]

4/10/03 366 Proposed Jury instructions by ArthroCare Corp., Smith &  
Nephew Inc. (rd) [Entry date 04/14/03]

4/11/03 361 Letter to Clerk from K. Walter, Jr. enclosing original

signature page for Declaration of Brian W. Napper (D.I. 308) (rd) [Entry date 04/14/03]

- 4/11/03 362 Letter to Judge Robinson from K. Walter, Jr. re Mr. Blumenfeld's letter relating to deft.'s opposition to pltf.'s motion in limine to exclude the testimony of R. Panitch (rd) [Entry date 04/14/03]
- 4/11/03 363 Letter to Clerk from K. Walter, Jr. enclosing replacement page 4 to deft.'s opposition to motion in limine to exclude the testimony of R. Panitch. (rd) [Entry date 04/14/03]
- 4/14/03 367 MEMORANDUM ORDER denying [330-1] motion in Limine 6 of 6 to exclude evidence related to the control RF product, granting in part, denying in part [329-1] motion in Limine 5 of 6 to exclude certain Smith & Nephew documents, granting [328-1] motion in Limine 4 of 6 to exclude certain evidence related to licensing, denying [327-1] motion in Limine 3 of 6 to exclude evidence of the reexamination of the '536 patent-in-suit, denying [326-1] motion in Limine 2 of 6 to exclude certain evidence related to Arthrocare's products, granting to the extent it relates to to claim const. and the fact that experts are limited by their reports [325-1] motion in Limine 1 of 6 to exclude certain Arthrocare expert testimony, conditionally granting [324-1] motion in Limine to preclude Smith & Nephew from referring to its antitrust counterclaim or allegedly harmful effects of Arthrocare's RF Devices, denying [323-1] motion in Limine that Smith & Nephew's indefiniteness defenses not be presented to the jury, granting [322-1] motion in Limine to try inequitable conduct to the Court and to preclude Smith & Nephew from raising issues of inequitable conduct before the jury, granting [321-1] motion in Limine to preclude Smith & Nephew from referring to Judge Orrick's December 1, 1998 interlocutory decision in the Ethicon case, granting [320-1] motion in Limine to preclude Smith & Nephew from referring to Arthrocare's withdrawal of certain claims, granting [319-1] motion in Limine to preclude Smith & Nephew from referring to a purported control RF Settlement Agreement, granting [318-1] motion in Limine to preclude Smith & Nephew from referring to injunctive relief that may be sought as a result of a finding of infringement, granting [317-1] motion in Limine to preclude Smith & Nephew from relying on any undisclosed facts or defenses, granting [316-1] motion in Limine to exclude the testimony of Smith & Nephew's Patent Law Expert, Ronald L. Panitch, granting [274-1] motion to Strike the Roos Declaration, denying [272-1] motion to Strike the Expert Reports of Creighton G. Hoffman and Elliott H. Leitman denying [198-1] motion to Compel Ethicon, Inc. to comply with subpoena Duces Tecum and Ad Testificandum ( signed by Judge Sue L. Robinson ) copies to: cnsl. (rd) [Edit date 04/14/03]
- 4/14/03 368 MEMORANDUM by ArthroCare Corp. Objections to Deft.'s Trial Exhibits (rd)
- 4/14/03 369 Letter to Clerk from K. Walter, Jr. enclosing D.I. 370 for filing. (rd)
- 4/14/03 370 MEMORANDUM by Smith & Nephew Inc. Objecting to Pltf.'s

## Trial Exhibit List. (rd)

4/15/03 -- Pre-trial conference held; Judge Robinson presiding; Court Rptr. V. Gunning (ft) [Entry date 04/16/03]

4/16/03 371 TRANSCRIPT filed [0-0] pre-trial conference for dates of 4/15/03; Judge Robinson presiding; crt. rptr. V. Gunning (rd) [Entry date 04/22/03]

4/23/03 372 Letter to Judge Robinson from J. Blumenfeld enclosing lists of companies, attorneys and law firms, witnesses and subject areas for the voir dire (ft) [Entry date 04/24/03]

4/23/03 373 Letter to Judge Robinson from W. Marsden, Jr. re clarification of 4/9/03 Memorandum Opinion and Order (ft) [Entry date 04/24/03]

4/25/03 374 Letter to Judge Robinson from J. Blumenfeld re request for clarification by Smith & Nephew (ft)

4/28/03 375 Letter to Judge Robinson from K. Walter, Jr. informing the Court of Smith & Nephew's continued efforts to simplify the trial and some disputes have arisen in connection with efforts; request a teleconference at earliest convenience (ft)

4/28/03 376 Letter to Judge Robinson from K. Jacobs Loudon enclosing Order dismissing with prejudice Smith & Nephew's declaratory jgm. counterclaim for invalidity due to obviousness (ft)

4/28/03 377 Letter to Judge Robinson from J. Blumenfeld re evidentiary issues (ft)

4/28/03 378 Letter to Judge Robinson from K. Jacobs Loudon requesting a sentence be added to the end of paragraph 1 on page 2 of the preliminary jury instructions (ft)

4/28/03 379 Letter to Judge Robinson from W. Marsden, Jr. requesting that the Court issue an order requiring ArthroCare to bring its in-house counsel and vice president John Raffle to testify at trial (ft)

4/28/03 380 SEALED Letter to Court Dated 4/28/03 (ft)

4/29/03 381 Letter to Judge Robinson from J. Blumenfeld responding to deft.'s letter of 4/28/03 req. court to order pltf.'s in house cnsl., John Raffle, to testify at trial. (rd)

4/29/03 382 SEALED Letter to Judge Robinson from William Marsden, Jr. (rd)

4/29/03 -- Deadline updated; set Telephone Conference for 4:00 4/29/03 (rd)

4/29/03 383 Letter to Judge Robinson from K. Walter, Jr. responding to pltf.'s letter of 4/28/03 adding a proposed instruction on reexamination to the preliminary jury instr. (rd)

4/29/03 -- Tele-conference held; Judge Robinson presiding; crt.

rpitr. B. Gaffigan present. (rd) [Entry date 05/01/03]

4/30/03 384 Voir dire to the Jury Panel (ft)

4/30/03 385 Preliminary Jury instructions (ft)

4/30/03 386 Letter to Judge Robinson from W. Marsden, Jr. re Smith & Nephew's request to preclude ArthroCare from referring to, or offering any evidence at trial related to nonobviousness, particularly any evidence or argument related to secondary considerations of nonobviousness (ft)

4/30/03 -- Jury trial held DAY 1; Judge Robinson presiding; Court Rptrs K. Maurer/B. Gaffigan; Jury Selection and Instruction (ft)

4/30/03 387 Letter to Judge Robinson from W. Marsden, Jr. requesting reconsideration of ruling this morning that ArthroCare may introduce evidence of Smith & Nephew's alleged copying of the ArthroCare devices (ft) [Entry date 05/01/03]

4/30/03 388 Steno Notes for 4/30/03 Jury Trial; Judge Robinson presiding; Court Rptr. B. Gaffigan (ft) [Entry date 05/01/03]

4/30/03 389 Steno Notes for 4/29/03 teleconference; Judge Robinson presiding; Court Rptr. B. Gaffigan (ft) [Entry date 05/01/03]

4/30/03 390 TRANSCRIPT filed [0-0] telephone conference for dates of 4/29/03; Judge Robinson presiding; crt. rpitr. B. Gaffigan (rd) [Entry date 05/01/03]

5/1/03 -- Jury trial held DAY 2; Judge Robinson presiding; Court Rptr V. Gunning (ft)

5/2/03 -- Jury trial held DAY 3; Judge Robinson presiding; Court Rptrs. K. Maurer/B. Gaffigan (ft)

5/5/03 391 SEALED Letter to Honorable Sue L. Robinson from Mark J. Hebert (ft) [Edit date 05/05/03]

5/5/03 392 MOTION by ArthroCare Corp. to preclude Dr. Michael Choti from Testifying about the Prior Art Answer Brief due 5/19/03 re: [392-1] motion (ft)

5/5/03 393 MOTION by ArthroCare Corp. to preclude Dr. Kim Manwaring from testifying about the Codman ME2 and a new report produced on May 4, 2003 Answer Brief due 5/19/03 re: [393-1] motion (ft)

5/5/03 394 Steno Notes for 5/2/03; daily notes; Judge Robinson presiding; Jury Trial; crt. rpitr. B. Gaffigan (rd)

5/5/03 -- Jury trial held DAY 4; Judge Robinson presiding; Court Rptr. V. Gunning; D.I. # 392 is denied and D.I. # 393 is granted in part and denied in part per trial ruling by Judge Robinson (ft)

5/5/03 -- So Ordered (Judge Robinson Ruled In Court During Trial)

granting in part, denying in part [393-1] motion to preclude Dr. Kim Manwaring from testifying about the Codman ME2 and a new report produced on May 4, 2003, denying [392-1] motion to preclude Dr. Michael Choti from Testifying about the Prior Art (ft) [Entry date 05/06/03]

5/6/03 -- Jury trial held DAY 5; Judge Robinson presiding; Court Rptrs. K. Maurer/B. Gaffigan (ft)

5/6/03 395 Letter to Judge Robinson from J. Parrett, Jr. enclosing parties' proposed jury instructions in hard copy and on disk. (rd)

5/6/03 396 Proposed Jury instructions by ArthroCare Corp., Smith & Nephew Inc. (rd)

5/7/03 397 Steno Notes for 5/6/03 Daily Notes of Jury Trial; B. Gaffigan (rd)

5/7/03 -- Jury trial held DAY 6; Judge Robinson presiding; Court Rptr. V. Gunning; Deft. moves under Rule 50; Judge Robinson reserves jgm. (ft)

5/8/03 398 ORDER directing Clerk of the court to furnish lunch for 8 jurors on May 1 and 2, 2003 ( signed by Judge Sue L. Robinson ) copies to: financial admin. (rd)

5/8/03 -- Jury trial held DAY 7; Judge Robinson presiding; Court Rptrs. K. Maurer/ B. Gaffigan present (ft)

5/9/03 399 Steno Notes for 5/8/03; Daily Jury Trial Note; crt. rptr. B. Gaffigan (rd)

5/9/03 400 SEALED MOTION by Smith & Nephew Inc. Rule 50(A) for Judgment as a Matter of Law Answer Brief due 5/23/03 re: [400-1] motion (rd)

5/9/03 401 ORDER directing Clerk of the court to furnish lunch for eight (8) jurors from 5/5-9/03( signed by Judge Sue L. Robinson ) copies to: Financial Admin. (rd)

5/9/03 402 MOTION by ArthroCare Corp. for Judgment as a Matter of Law Under F.R.C.P. 50(a) Answer Brief due 5/23/03 re: [402-1] motion (rd)

5/9/03 403 ArthroCare Corp.'s Revised Supplemental Covenant not to sue Smith & Nephew on certain claims of the patents-in-suit (rd)

5/9/03 -- Jury trial held DAY 8; Judge Robinson presiding; Court Rptr. V. Gunning present; Deft renews Rule 50 motion; Pltf's Rule 50 Motion; Judge Robinson reserves jgm. (ft)

5/9/03 406 Proffer of Evidence of Warren P. Heim (rd) [Entry date 05/13/03]

5/9/03 407 Proffer of Evidence of Kim H. Manwaring (rd) [Entry date 05/13/03]

5/12/03 404 Jury Charge (rd)

5/12/03 405 JURY VERDICT for ArthroCare Corp.; finding of infringement by Smith & Nephew on the '536, '882, and '592 patents; finding of no invalidity of the '536, '882, '592 patents (ft)

5/12/03 -- Jury trial held DAY 9; Judge Robinson presiding; Court Rptrs. K. Maurer and B. Gaffigan present; Jury deliberation and verdict (ft)

5/12/03 -- Mooting [402-1] motion for Judgment as a Matter of Law Under F.R.C.P. 50(a), mooted [400-1] motion Rule 50(A) for Judgment as a Matter of Law per Jury Verdict (ft) [Entry date 06/11/03]

5/13/03 408 Steno Notes for 5/12/03; Daily Notes; final day; jury verdict; crt. rptr. B. Gaffigan (rd)

5/13/03 409 TRANSCRIPT filed [0-0] jury trial for dates of 4/30/03; Judge Robinson presiding; Daily Copy; volume A. (rd) [Edit date 05/13/03]

5/13/03 410 TRANSCRIPT filed [0-0] jury trial for dates of 5/1/03; Judge Robinson presiding; Daily Copy; Volume B (rd) [Edit date 05/13/03]

5/13/03 411 TRANSCRIPT filed [0-0] jury trial for dates of 5/2/03; Judge Robinson presiding; Daily copy; Volume C. (rd) [Edit date 05/13/03]

5/13/03 412 TRANSCRIPT filed [0-0] jury trial for dates of 5/5/03; Judge Robinson presiding; Daily Copy; Volume D. (rd) [Edit date 05/13/03]

5/13/03 413 SEALED TRANSCRIPT filed [0-0] jury trial for dates of 5/5/03; Judge Robinson presiding; Volume "DD" (rd)

5/13/03 414 TRANSCRIPT filed [0-0] jury trial for dates of 5/6/03; Judge Robinson presiding; Daily copy; Volume E (rd)

5/13/03 415 TRANSCRIPT filed [0-0] jury trial for dates of 5/7/03; Judge Robinson presiding; Daily Copy; Volume F (rd)

5/13/03 416 TRANSCRIPT filed [0-0] jury trial for dates of 5/8/03; Judge Robinson presiding; Daily copy; Volume G (rd)

5/13/03 417 TRANSCRIPT filed [0-0] jury trial for dates of 5/9/03; Judge Robinson presiding; Daily Copy; Volume H (rd)

5/13/03 418 TRANSCRIPT filed [0-0] jury trial for dates of 5/12/03; Judge Robinson presiding; Daily copy; Volume I (rd)

5/14/03 419 Letter to Judge Robinson from K. Walter re briefing schedule for inequitable conduct (rd) [Entry date 05/15/03]

5/16/03 420 Letter to Judge Robinson from J. Blumenfeld responding to deft.'s letter of 5/14/03 re post-trial briefing. (rd) [Entry date 05/20/03]

5/19/03 421 Steno Notes for 4/30/03 through 5/12/03; Daily Notes of

Jury Trial; Judge Robinson presiding; crt. rptr. K. Maurer (rd) [Entry date 05/20/03]

5/19/03 423 Letter to Judge Robinson from W. Marsden responding to Mr. Blumenfeld's letter of 5/16/03 re deft.'s inequitable conduct defense. (rd) [Entry date 05/21/03]

5/20/03 422 ORDER directing the USMS to furnish lunch for eight jurors and one CSO during their deliberations on 5/12/03 ( signed by Judge Sue L. Robinson ) copies to: Financial Admin. (rd)

5/20/03 424 MOTION by ArthroCare Corp. for Permanent Injunction Answer Brief due 6/3/03 re: [424-1] motion (rd) [Entry date 05/21/03]

5/20/03 425 SEALED Opening Brief Filed by ArthroCare Corp. [424-1] motion for Permanent Injunction (rd) [Entry date 05/21/03]

5/20/03 426 Letter to Judge Robinson from J. Blumenfeld re inequitable conduct defense. (rd) [Entry date 05/21/03]

5/20/03 427 MOTION by ArthroCare Corp. for Entry of Judgment of no Inequitable Conduct Answer Brief due 6/3/03 re: [427-1] motion (rd) [Entry date 05/21/03]

5/20/03 428 Opening Brief Filed by ArthroCare Corp. [427-1] motion for Entry of Judgment of no Inequitable Conduct (rd) [Entry date 05/21/03]

5/27/03 429 MOTION by ArthroCare Corp. to Dismiss Deft.'s Antitrust Counterclaim Answer Brief due 6/10/03 re: [429-1] motion (rd) [Entry date 05/28/03]

5/27/03 430 Opening Brief Filed by ArthroCare Corp. [429-1] motion to Dismiss Deft.'s Antitrust Counterclaim (rd) [Entry date 05/28/03]

5/28/03 -- Deadline updated; set Telephone Conference for 3:30 6/9/03 per filing of D.I. 419 (rd)

5/29/03 431 Letter to Deputy Clerk DiMeo from K. Walter confirming teleconf. for 6/9/03 at 3:30 p.m.; cnsl. for all parties including Ethicon will be present. (rd) [Entry date 05/30/03]

5/29/03 432 SEALED MOTION by Smith & Nephew Inc. to Modify Protective Order Answer Brief due 6/12/03 re: [432-1] motion (ft) [Entry date 06/02/03]

5/30/03 433 SEALED Declaration of Keith A. Walter, Jr. in support of D.I. # 432 (ft) [Entry date 06/02/03]

5/30/03 434 Letter to Judge Robinson from J. Blumenfeld re scheduling matters which ArthroCare would like to put on the agenda for the telephone conf. on 6/9/03 at 3:30 p.m. (ft) [Entry date 06/03/03]

6/3/03 435 SEALED Answer Brief Filed by ArthroCare Corp. [432-1] motion to Modify Protective Order - Reply Brief due 6/10/03 (ft) [Entry date 06/04/03]

6/4/03 436 SEALED Answer Brief Filed by Smith & Nephew Inc. [424-1] motion for Permanent Injunction - Reply Brief due 6/11/03 (ft) [Entry date 06/05/03]

6/4/03 437 COMBINED CROSS MOTION by Smith & Nephew Inc. to Strike [427-1] motion for Entry of Judgment of no Inequitable Conduct AND ANSWER BRIEF to Motion for entry of jgm of no inequitable conduct (ft) [Entry date 06/05/03]

6/4/03 -- 2nd Part of DI # 437; COMBINED Answer Brief Filed by Smith & Nephew Inc. [427-1] motion for Entry of Judgment of no Inequitable Conduct - Reply Brief due 6/11/03 and CROSS MOTION to strike ArthroCare's Motion for Entry of Jgm of No Inequitable Conduct (ft) [Entry date 06/05/03] [Edit date 06/05/03]

6/6/03 438 Letter to Judge Robinson from K. Walter responding to Mr. Blumenfeld's 5/30/03 letter concerning the scheduling matters which ArthroCare would like to put on the agenda for the telephone conf. on 6/9/03 (D.I. # 430); would like to address its pending motion to modify the stipulated protective order (ft) [Entry date 06/09/03]

6/6/03 439 SEALED Reply Brief Filed by Smith & Nephew Inc. [432-1] motion to Modify Protective Order (ft) [Entry date 06/09/03]

6/9/03 440 Letter to Judge Robinson from J. Blumenfeld re follow up on proposed agenda for the conference this afternoon and Smith & Nephew's 6/6 response (ft)

6/9/03 441 COMBINED Reply Brief Filed by ArthroCare Corp. [427-1] motion for Entry of Judgment of no Inequitable Conduct and Answer Brief to Smith & Nephew's counter motion to strike (ft)

6/9/03 -- 2nd Part of D.I. # 441; Answer Brief Filed by ArthroCare Corp. [437-1] cross motion to Strike [427-1] motion for Entry of Judgment of no Inequitable Conduct - Reply Brief due 6/16/03 and Reply brief in support of Motion for Jgm of no inequitable conduct; SEE D.I. # 441 for document (ft)

6/9/03 442 Opening brief by Smith & Nephew Inc. in support of its inequitable conduct case (ft) [Entry date 06/10/03]

6/9/03 443 SEALED Declaration of William J. Marsden, Jr. in support of Smith & Nephew's opening brief in support of its inequitable conduct case (D.I. # 442) (ft) [Entry date 06/10/03]

6/9/03 -- Tele-conference held; Judge Robinson presiding; crt. rprr. B. Gaffigan; re post-trial briefing (rd) [Entry date 06/11/03]

6/10/03 444 SEALED Steno Notes for 6/9/03 Teleconf.; Judge Robinson presiding; court rprr. B. Gaffigan (ft)

6/10/03 445 Letter to Judge Robinson from K. Jacobs Loudon re reply brief; ArthroCare will not file a reply brief in support of

its motion for a permanent injunction (D.I. # 424) pending the filing of post-trial motions (ft) [Entry date 06/11/03]

6/10/03 446 Letter to Clerk from W. Marsden, Jr. enclosing original signature page for Declaration of Dr. Roy A. Majors attached as Exhibit D to D.I. # 436; replace the faxed version previously submitted with the enclosed original (ft) [Entry date 06/11/03]

6/11/03 -- Deadline updated; set Oral Argument for 3:30 9/15/03 set in court on 6/9/03 (rd)

6/11/03 447 TRANSCRIPT filed [0-0] telephone conference for dates of 6/9/03; Judge Robinson presiding; Court Rptr. B. Gaffigan (ft)

6/11/03 448 SEALED TRANSCRIPT filed [0-0] telephone conference for dates of 6/9/03; Judge Robinson presiding; court rptr. B. Gaffigan (ft)

6/12/03 -- Due to a clerical error, there is no D.I. # 449 (ft) [Entry date 06/20/03]

6/16/03 450 MOTION by Smith & Nephew Inc. with Proposed Order for Alan H. Blankenheimer, Esquire to Appear Pro Hac Vice (ft) [Entry date 06/17/03]

6/16/03 451 Letter to Judge Robinson from W. Marsden, Jr. re post-trial motion practice; Smith & Nephew will not file any further briefing on D.I. # 427 and D.I. # 437; understand these motions are now moot and the parties will brief the issue of inequitable conduct according to the schedule set during the teleconf. (ft) [Entry date 06/17/03]

6/18/03 -- So Ordered granting [450-1] motion for Alan H. Blankenheimer, Esquire to Appear Pro Hac Vice ( signed by Judge Sue L. Robinson ) Notice to all parties. (rd)

6/20/03 452 JUDGMENT for ArthroCare Corp. against Smith & Nephew Inc. ( signed by Judge Sue L. Robinson ) copies to: cns1. (rd)

6/26/03 453 Expedited MOTION by Smith & Nephew Inc. with Proposed Order for Leave to extend page limits for briefing on Smith & Nephew's Motion for Jgm. as a matter of law Answer Brief due 7/10/03 re: [453-1] motion (ft)

6/27/03 454 Answer Brief Filed by ArthroCare Corp. [453-1] expedited motion for Leave to extend page limits for briefing on Smith & Nephew's Motion for Jgm. as a matter of law - Reply Brief due 7/7/03 (ft)

6/30/03 -- So Ordered denying [453-1] motion for Leave to extend page limits for briefing on Smith & Nephew's Motion for Jgm. as a matter of law ( signed by Judge Sue L. Robinson ) Notice to all parties. (ft)

6/30/03 455 MOTION by Smith & Nephew Inc. with Proposed Order for New Trial Answer Brief due 7/14/03 re: [455-1] motion (ft) [Entry date 07/01/03]

6/30/03 456 SEALED Opening Brief Filed by Smith & Nephew Inc. [455-1] motion for New Trial (ft) [Entry date 07/01/03]

6/30/03 457 SEALED Declaration of William J. Marsden, Jr. in support of D.I. # 456 (ft) [Entry date 07/01/03]

6/30/03 458 Renewal of MOTION by Smith & Nephew Inc. with Proposed Order for Judgment as a Matter of Law pursuant to Fed R. Civ. P. 50(b) Answer Brief due 7/14/03 re: [458-1] motion (ft) [Entry date 07/01/03]

6/30/03 459 Opening Brief Filed by Smith & Nephew Inc. [458-1] motion for Judgment as a Matter of Law pursuant to Fed R. Civ. P. 50(b) (ft) [Entry date 07/01/03]

6/30/03 460 SEALED Declaration of William J. Marsden, Jr. in support of D.I. # 459 (ft) [Entry date 07/01/03]

7/1/03 461 Letter to Judge Robinson from W. Marsden, Jr. re expedited request to extend the page limits for briefing (ft)

7/9/03 462 Answering Brief by ArthroCare Corp. in opposition to [442-1] Opening Brief in support of its inequitable conduct case (ft) [Entry date 07/10/03]

7/11/03 463 Letter to Clerk from K. Jacobs Loudon enclosing ArthroCare's Corrected answering brief in opposition to Smith & Nephew's Opening brief in support of its inequitable conduct case; Corrected Version of D.I. # 462 (ft) [Entry date 07/15/03] [Edit date 07/15/03]

7/18/03 -- Exit final jgm. to Commissioner of Patents and Trademarks, Washington, D.C. (rd) [Entry date 07/21/03]

7/24/03 464 SEALED Reply Brief Filed by Smith & Nephew Inc. in support of its inequitable conduct case (ft)

7/24/03 465 SEALED Declaration of Keith A. Walter, Jr. in support of Smith & Nephew, Inc.'s reply brief in support of its inequitable conduct case (D.I. # 464) (ft)

7/30/03 466 Answer Brief Filed by ArthroCare Corp. [455-1] motion for New Trial - Reply Brief due 8/6/03 (ft) [Entry date 07/31/03]

7/30/03 467 Answer Brief Filed by ArthroCare Corp. [458-1] motion for Judgment as a Matter of Law pursuant to Fed R. Civ. P. 50(b) - Reply Brief due 8/6/03 (ft) [Entry date 07/31/03]

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END OF DOCKET: 1:01cv504

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<b>PACER Service Center</b>
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<b>Transaction Receipt</b>
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